
(2022) 11 PAT CK 0024

In the Patna High Court

Case No : Letters Patent Appeal No. 503 Of 2021 In Civil Writ Jurisdiction Case
No. 18697 Of 2017

Ajay Kumar Jha @ Ajay Jha

APPELLANT

Vs

Union Of India

RESPONDENT

Date of Decision : 07-11-2022

Acts Referred:

Citation : (2022) 11 PAT CK 0024

Hon'ble Judges : Ashutosh Kumar, J; Nawneet Kumar Pandey, J

Bench : Division Bench

Advocate : Awadhesh Kumar Mishra, Nagmani Kumar, Nutan Sahay, Praveen Kumar Sinha

Final Decision : Dismissed

Judgement

1. Heard Mr. Awadhesh Kumar Mishra, the learned Advocate for the appellant and Mr. Praveen Kumar Sinha, the learned counsel for the Railway Administration. The State is represented by Ms. Nutan Sahay.

2. The learned Single Judge vide his order dated 13.04.2021, passed in C.W.J.C. No. 18697 of 2017, has rejected the claim of the appellant that he was required to be given a job in the event of his land having been acquired by the Railway Administration for construction of a railway road, as was promised by the Government and the Railway Administration of the day.

3. It appears from the records that the land belonging to the appellant in Police Station – Bounsi, measuring about 0.35 dismals, was acquired for construction of Mandar Hill - Rampur Hat Railway Line. Nobody from the family of the appellant was given a job, forcing him to approach this Court vide C.W.J.C. No. 44111 of 2017 for a direction to the Railway Administration to uphold its promise of providing job to one of the members in the family which had lost land because of the afore-noted construction of railway line.

4. The Writ Court, in that instance, disposed off the petition vide order dated

28.06.2017 giving liberty to the appellant to make suitable representation before the Chief Administrative Officer (Construction), Railways, who was further directed to dispose off such representation within a specific time frame, keeping in mind the scheme of 1989, doling out promise of job to one person in the family which had lost its land.

5. It appears that the appellant had approached the concerned authority, but his claim was rejected on two grounds, namely, that the Railways had acquired only a strip of land which actually repelled the claim of the appellant that he had been rendered landless and that the acquisition perhaps had taken place in the year 2004 – 2005, but the appellant had not approached any authority for being provided a job in lieu of land.

6. The aforesaid decision of the Chief Administrative Officer of the Railway Department was challenged in C.W.J.C. No. 18697 of 2017 which was dismissed vide order dated 13.04.2021, which has been assailed in the present appeal.

7. The learned Single Judge, after noting the background facts, took exception to the claim of the appellant which rested on a public advertisement and an order of the Railway Board of 1983, whereas the period during which the land of the appellant had been acquired, was 2004 – 2005. The stipulation of the Government also was that such displaced persons shall be provided appointment in the Government (one person per family), but only within two years of the acquisition of land. The appellant had not made any disclosure before the Writ Courts, in both the instances, as to when was the land acquired and the reason for not approaching the Railway authorities against the promise made to all such families whose land had been acquired.

8. The learned Single Judge rightly appears to have rejected the claim of the appellant which primarily appears to have been based on a certificate of the Circle Officer dated 04.01.2002 that because of the acquisition of the land of the appellant, he had been rendered landless. The learned Single Judge found that when acquisition had taken place in the year 2004 - 2005, there was no reason why the certificate issued by Circle Officer, Banka in the year 2002 be accepted as a genuine document in favour of the appellant with respect to his having being displaced and rendered landless.

9. There is no reason for us to interfere with the order of the learned Single Judge, rejecting the claim of the appellant.

10. We, thus, dismiss the appeal, but without any order as to costs.