

(2022) 09 CHH CK 0043
In the Chhattisgarh High Court
Case No : Writ Petition (S) No. 5969 Of 2022

Union Of India

APPELLANT

Vs

Susheel Kumar Uikey

RESPONDENT

Date of Decision : 20-09-2022

Acts Referred:

Citation : (2022) 09 CHH CK 0043

Hon'ble Judges : Arup Kumar Goswami, CJ;Deepak Kumar Tiwari, J

Bench : Division Bench

Advocate : Ramakant Mishra

Final Decision : Dismissed

Judgement

1. Heard Mr. Ramakant Mishra, learned Deputy Solicitor General, appearing for the petitioners.

2. This petition is presented against an order dated 22.04.2022 passed by the Central Administrative Tribunal, Jabalpur Bench (for short, 'CAT') in Original Application No. 200/605/2019, by which the CAT directed the petitioners to consider the case of the applicant before the CAT for appointment within a period of three months.

3. The applicant before the CAT is grandson of ancestor, whose land was acquired for the purpose of conversion of Jabalpur Gondia Narrow gauge line to Broad-gauge line. The petitioners had a policy for giving appointment to sole owner of land or son/daughter/husband/wife of the sole owner, whose land or a portion thereof was acquired for the project.

4. Mr. Mishra submits that this petition is squarely covered by an order of this Court dated 08.04.2022 passed in Writ Petition (S) No.2480 of 2022 and accordingly, he submits that this writ petition may be disposed of in the light of the said order.

5. In the order dated 08.04.2022 passed in Writ Petition (S) No.2480 of 2022, at

paragraphs-3 to 6, it was observed as follows :

"3. The applicants before the CAT are grandsons of ancestors, whose lands were acquired for the purpose of extension of broad-gauge railway lines from Nagpur to Chhindwada. The appellants had a policy for giving appointment to sole owner of land or son/ daughter/ husband/ wife of the sole owner, whose land or a portion thereof was acquired for the project.

4. The learned CAT relied on its earlier judgment in case of Yashvant Kumar v. Union of India (Original Application No.203/929/2014), decided on 28.11.2017, which was affirmed by the Division Bench of this Court in Writ Petition (S) No.1349 of 2018 (South East Central Railway and Others v. Yashvant and Others), decided on 03.04.2018, and accordingly, issued the directions as noted hereinabove.

5. It is pointed by Mr. Mishra that against the judgment of this Court dated 03.04.2018 passed in Writ Petition (S) No.1349 of 2018, a Special Leave Petition was filed before the Hon'ble Supreme Court, which is pending consideration.

6. As the Division Bench of this Court in Writ Petition (S) No.1349 of 2018 had held that a grandson was entitled to be appointed on rehabilitation ground due to extension of railway route, we see no good ground to interfere with the order of the learned CAT."

6. In view of the above submission of Mr. Mishra and in view of the order dated 08.04.2022 passed in Writ Petition (S) No.2480 of 2022, the writ petition is, accordingly, dismissed. No cost.