

CENTRAL ADMINISTRATIVE TRIBUNAL

LUCKNOW BENCH

Original Application No. 491/2005

This the 2nd of September 2006

HON'BLE MR. M. KANTHAIAH, MEMBER (J).

HON'BLE MR. P.K. CHATTERJI, MEMBER (A).

Yash Kumar aged about 24 years, S/o Shri Narsingh Lal Gupta,
R/o House No.779 Avas Vikas Colony, Gonda, U.P.

...Applicant.

By Advocate: Shri M.A. Siddiqui.

Versus.

1. Union of India through Secretary, Railway Board, Rail Bhawan,
New Delhi.
2. The General Manager, North Eastern Railway, Gorakhpur, U.P.
3. The District Magistrate, District Gonda, U.P.

...Respondents.

By Advocate: Shri C.B. Verma.

ORDER

BY HON'BLE MR. M. KANTHAIAH, MEMBER JUDICIAL.

The applicant has filed this application to direct the respondents
to give appointment to the applicant according to his qualification on the

ground that their ancestral agricultural land was acquired by the Govt. in the public interest for construction of Railway Diesel Shed at Gonda.

2. The respondents filed their Counter-Affidavit opposing the claim of the applicant.

3. Heard both sides.

4. The point for consideration is whether the applicant is entitled for the relief as prayed for.

5. The admitted facts of the case are that the Government of U.P. had acquired the land of the applicant in the year 1983 under the Provision of Land Acquisition Act, 1894 and handed over to the same to the North Eastern Railway for construction of Diesel Shed at Gonda and railway department had paid the compensation for such acquisition.

6. It is the contention of the applicant that subsequently, after he attained majority, made an application before the authorities for his employment on the ground that the Government made assurance apart from payment of compensation, one family member may also be given appointment in the Railways whose agricultural land was acquired. Inspite of his repeated representations, the authorities have not considered his request, hence filed this petition to give direction to the respondents. The learned counsel for the applicant also relied up on the letter Ex.A-4 dated 29.2.1996 stating that the State Government has issued such direction for providing employment to one of the family member whose land was acquired for the purposes of public interest and basing on which he is claiming that he is entitled for employment from the respondents. He also ~~relief~~ ^{relied} on the judgment reported in AIR SC-920 Banwasi Sewa Ashram Vs. State of U.P. & Others.

7. It is the main argument of the learned respondent counsel that Hon'ble Full Bench of Allahabad High Court in the case of Ravindra Kumar Vs. District Magistrate, Arga & Others reported in 2002 (1) UPLBE-118 , has held that the G.Os./Circulars providing employment to one member of the family of the person whose land has been acquired are invalid and in view of such decision, the applicant is not entitled for any appointment.

8. The decision relied in the case of Ravindra Kumar Vs. District Magistrate, Arga & Others the Hon'ble High Court categorically stated that seeking Mandamus for giving an appointment on the basis of G.Os. / Circulars is not at all maintainable and thus, refused any relief to the petitioner who claimed appointment and also stated that such GOs/ Circulars is wholly unworkable.

9. When there is such categorical findings of Hon'ble High Court in respect of G.Os. / Circulars, applicant has no right to claim appointment of his job in the respondents organization on the ground that their land has been acquired for the purposes of public interest.

10. Though the learned counsel for the applicant has relied on the decision in the case of Banwasi Sewa Ashram, such facility was extended only to the applicant therein, and taking in to account of their representations and the same is not helpful to the applicant herein to say that incase of acquisition of agricultural land under Land Acquisition Act for the purposes of public interest, one member of the family has to be provided job as such ² ~~the~~ basing on the said judgment, ^{for} the applicant cannot get right to claim ² ~~for~~ appointment of job in the organization of the respondents on the ground that their agricultural land had been acquired for the purposes of public interest.

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In view of the above circumstances, the applicant failed to prove his claim for giving direction to the respondents to provide job to the applicant on the ground that their agricultural land had been acquired by the Government for the purposes of Public interest.

11. In the result the O.A. is dismissed. No costs.

me amit
(P.K. CHATTERJI)

MEMBER (A)

21-9-06
(M. KANTHAIAH)

MEMBER (J)

/ amit/