CENTRAL ADMINISTRATIVE TRIBUNAL
CHANDIGARH BENCH

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**ORIGINAL APPLICATIONS NO.060/00774/2014,
060/00788/2014 & 060/00790/2014**

Order Reserved on 06.04.2015
Pronounced on 10.4.2015.

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CORAM: HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)
HON'BLE DR. BRAHM A. AGRAWAL, MEMBER (J)

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060/00774/2014

Ajaib Singh son of Sh. Balwant Singh resident of Village Chauhan Kheri, Tehsil Samana, District Patiala.

060/00788/2014

Bhupinder Singh son of Malook Singh resident of Village Alipur Arian, Tehsil and District Patiala.

060/00790/2014

Buta Singh son of Gurbakash Singh permanent resident of Village Alipur Arian, Tehsil and District Patiala. Now resident of Village Pipaltha, Tehsil Narwana, District Jind, Haryana.

... APPLICANTS

Versus

1. Union of India through the Ministry of Railways, South Block, New Delhi.
2. The Railway Board, Railway Bhawan, New Delhi through its Chairman.
3. The Chief Administrative Officer (Railways), Diesel Component Works, Patiala.

... RESPONDENTS

Present: Sh. Divya Deep Walia, proxy for Sh. A.K. Walia, counsel for the applicants.
Sh. G.S. Sathi, counsel for the respondents.

ORDER

BY HON'BLE MRS. RAJWANT SANDHU, MEMBER (A)

1. These OAs have been filed seeking direction to the respondents declaring that the applicants are entitled to be provided employment on preferential treatment basis in terms of their undertaking given in the award dated 19.11.1982 as well as their policy instructions to consider the cases of the applicant for being provided employment in terms of their applications. Since the background of the matter, claim for relief and grounds for the same are similar, these are disposed of through a common order. However, for convenience, facts are taken from O.A. No.063/00774/2014.

2. It has been stated in the O.A. that the applicant is the son of Smt. Balbir Kaur D/o Late Gurbachan Singh of Village Alipur Arian, Tehsil and District Patiala. The mother of the applicant was a co-sharer in the land of Late Gurbachan Singh which was acquired by the State of Punjab for the respondents for Diesel Component Works Project of respondents at Patiala. The award for compensation of the land was given by the Land Acquisition Officer, Patiala on 19.11.1982. However, before possession of land was taken and before compensation was actually disbursed, Gurbachan Singh died on 18.08.1984. After his death, the land of Sh. Gurbachan Singh was mutated in favour of his legal heirs, including

Smt. Balbir Kaur, mother of the applicant (Annexure A-1). Subsequently, the legal heirs of Gurbachan Singh filed application for enhancement of compensation. Thereafter, the legal heirs of Sh. Gurbachan Singh filed Regular First Appeal No.2064 of 1986 in the Hon'ble High Court of Punjab and Haryana for further enhancement of compensation. In this regard, a copy of the orders dated 30.04.1987 passed by the Hon'ble High Court is appended as Annexure A-2. Respondent No.1 and 2 had issued instructions for providing employment to one dependent family member of the person whose land was acquired for their Railway Projects. In the award dated 19.11.1982 also, the undertaking of the respondents for giving employment to one dependent family member of the person whose land was acquired, was recorded. Relevant portion of the award dated 19.11.1982 reads as follows:

> "Employment:
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> The Railways have conceded to the request of the land owner oustees for giving priority in the matter of employment and setting up of Ancillary Units."

Since the land of Smt. Balbir Kaur, mother of the applicant was acquired, the applicant submitted an application dated 21.09.1997 (Annexure A-3) in the prescribed format for being given employment by the respondents. Along with the application, the applicant also attached Matriculation Certificate dated 21.12.1990 (Annexure A-4).

3. The respondents extended the cut off date for submitting application from time to time in respect of the oustees of Village Alipur Arian. The cut off date which was fixed as 18.02.1989 was later on extended up to 31.03.1998. The extension of cut off date by the respondents has been duly noticed by this Tribunal in order dated 09.08.2002 (Annexure A-5) in OA No.301/PB/2002, Hardyal Singh Vs. Union of India. Thus the applicant had submitted his application on 31.09.1997, before the cut off date of 31.03.1998 (Annexure A-3). After submission of application by the applicant the respondents had written letter dated 10.11.2000 to the applicant seeking certain information (Annexure A-6). The applicant supplied the information immediately vide his letter dated 15.11.2000 (Annexure A-7) but the respondents failed to provide employment to the applicant as per their policy. The respondents had been providing employment to the dependent family members of oustees of Village Alipur Arian during the past 25 years but the case of the applicant has not been considered. In this regard, a copy of one order of employment dated 29.09.2008, passed in respect of one Sh. Kulwant Singh of Village Alipur Arian, is appended as Annexure A-8. The respondents had even given appointment to various persons of Village Alipur Arian in the year 2014 (Annexure A-9).

4. It is claimed that the applicant has acquired a right to be provided employment on preferential treatment basis in view of the acquisition of land of the family member of the applicant while the respondents have provided employment to the similarly situated persons whose land in Village Alipur Arian was acquired vide award dated 19.11.1982 and many of the dependents of those persons have been provided employment by the respondents even in the year 2014 but applicant is being discriminated against. Hence this O.A.

5. In the written statement filed on behalf of the respondents it has been stated that at the time of acquisition of land during the period 1981, Gurbachan Singh i.e. the father of the mother (Smt. Balbir Kaur) of the applicant was the owner of the land. Sh. Gurbachan Singh died on 18.08.1984. By that time, Govt. of Punjab had become the owner of the land on account of acquisition of land. The mother of the applicant had not attained the status of co-sharer in the land alongwith any other legal heir (s) of Sh. Gurbachan Singh. The applicant who is the grand child of Sh. Gurbachan Singh (who was the owner of the land at the time of acquisition) is not eligible to seek employment as per policy. Even as per letter dated 05.03.1998 (Annexure R-II) grand children of the displaced land owner do not fall under the eligible category to seek employment under the Land-Loser Policy. As such the claim of the applicant is not

maintainable. Sh. Gurvinder Singh S/o late Sh. Gurbachan Singh had been appointed under the policy against the land in question (Annexure R-III). Since one job has already been given to a member from the land loser family, the claim of the applicant for appointment under the policy which would amount to 2 jobs against one acquisition is devoid of merits and contrary to the terms and conditions of the policy. The applicant was sent a letter on 10.11.2000 (Annexure R-IV) asking him to furnish certain information so as to establish his eligibility. He did not respond. Again a letter was written to him on 15.01.2001 (Annexure R-V) stating therein that the appointment of Sh. Gurvinder Singh S/o Shri Gurbachan Singh having already been made, and he should reply by 03.02.2001 failing which respondents shall not be in a position to consider his candidature but he did not respond.

6. It has further been stated that when the land for DCW (now DMW) project at Patiala was acquired during the period 1981, the owner of the land was Sh. Gurbachan Singh S/o Sh. Alla Singh. Sh. Gurbachan Singh died on 18.08.1984. The acts of mutation or application for enhancement of compensation etc. subsequent to the death of land owner (Sh. Gurbachan Singh) do not make the mother (Smt. Balbir Kaur) of the applicant an owner prior to death of her father Sh. Gurbachan Singh.

7. Rejoinder has been filed on behalf of the applicant.

8. Arguments advanced by learned counsel for the parties were heard when learned counsel for the applicant narrated the background of the matter and stated that the applicant being son of Smt. Balbir Kaur whose land has been acquired for DCW Project was entitled to be considered for employment by the respondent Department.

9. Learned counsel for the respondents states that a number of similar matters have been decided earlier and it had been concluded therein that the grandson of a person whose land has been acquired was not eligible person to be considered for appointment. In these three OAs, the applicants were the grandsons of Sh. Gurbachan Singh and hence were not eligible for employment under the Scheme of Railways. Moreover, one son of Sh. Gurbachan Singh has already been provided employment as per Annexure R-3. Learned counsel also referred to judgments dated 29.09.2009 in O.A. No. 786/PB/2009 titled Kulwant Singh Vs. UOI & Anr. and 19.04.2010 in O.A. No.642/PB/2009 & 643/PB/2009 titled Gurvinder Singh & Anr. Vs. UOI & Anr. whereby such claims had been rejected as time barred and it had also been held that the applicants being grandsons of the person whose land has been acquired were not entitled to be considered for employment.

10. We have given our thoughtful consideration to the matter. From the material on record, it is evident that at the time of acquisition of land in question, owner of the land was Sh. Gurbachan Singh. He died in 1984 and the applicants are his grandsons. Sh. Gurvinder Singh son of Gurbachan Singh has already been given employment as per policy of the Railways and the applicants in these OAs who are the grandsons of Gurbachan Singh are clearly not eligible for employment under this Scheme. The applicants cannot consider their cases similar to those of other dependent family members of Alipur Arian Village who were given employment in later years as in the case of the applicants, one son of their grand father Sh. Gurbachan Singh, whose land was acquired, was given employment. Hence there is no merit in the claim of the applicants and the same is rejected.

11. A copy of this order may be placed in the files relating to OAs No.060/00788/2014 and 060/00790/2014 also.

(DR. BRAHM A. AGRAWAL)
MEMBER (J)

(RAJWANT SANDHU)
MEMBER (A)

Place: Chandigarh.
Dated: 10/4/2015.

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