

CENTRAL ADMINISTRATIVE TRIBUNAL,  
CHANDIGARH BENCH

O.A.NO.060/01395/2017

Orders pronounced on: 06.09.2018  
(Orders reserved on: 23.08.2018)

**CORAM: HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J) &  
HON'BLE MS. AJANTA DAYALAN, MEMBER (A)**

1. Rana Singh @ Ganga Singh son of Amar Singh aged 60 years,  
Resident of Village Alipur Arian,  
Tehsil and Distt. Patiala,  
Group-C.
2. Gurmeet Singh S/o Rana Singh, aged 24 years,  
resident of Village Alipur Arian,  
Tehsil and Distt. Patiala,  
Group C.

Applicants

By: **MR. T.S. HUNDAL, ADVOCATE.**

Versus

1. Ministry of Railway,  
through its General Manager,  
Northern Railways,  
Baroda House,  
New Delhi.
2. Chief Administrative Officer,  
Diesel Loco Modernization Works  
(CAO, DMW for short),  
Patiala.

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Respondents

By : **MR. G.S. SATHI, ADVOCATE.**

**O R D E R**  
**HON'BLE MR. SANJEEV KAUSHIK, MEMBER (J)**

1. The applicants have filed this Original Application under section 19 of the Administrative Tribunals Act, 1985, inter-alia, for quashing the order dated 8.12.2016 (Annexure A-1), vide which their request for providing employment to applicant no.2 (Gurmeet Singh), for acquisition of land of the family for setting up Diesel Component Works (DCW), Patiala now Diesel Loco Modernization Works (DLMW), Patiala, has been rejected.

2. The facts leading to the filing of the instant Original Application (OA), that land owned by applicant no.1 (Rana Singh) situated in Village Alipur Tehsil & Distt. Patiala, was acquired for setting up of the DCW (DLMW), Patiala, vide notification dated 18.5.1981 (Annexure A-3) and compensation was allowed vide decision dated 4.9.1987 (Annexure A-4). The respondents framed a policy dated 1.1.1983 (Annexure A-6) for rehabilitation of evicted families on account of acquisition of their land for the indicated project including grant of appointment on compassionate grounds. The applicant No.1, aged 41 years, sponsored his own name for such appointment, before the cutoff date of 31.3.1998. But the process was delayed for about 16 years by the respondents. Meanwhile, the applicant No.1 was called for interview on 26.2.2014 vide letter dated 12.2.2014. However, since applicant No.1 had grown quite old, so he moved a representation for appointment of his son Gurmeet (applicant No.2) for such appointment, on which no action was taken. Then he got served a legal notice upon the respondents, which was rejected vide order dated 12.6.2014 (Annexure A-8), on the ground that he was over age and did not fulfill the requisite criteria. He filed O.A. No. 060/00704/2014 which was dismissed as withdrawn on 23.2.2015. Thereafter, O.A. No.

060/00447/2015 was filed by him. Consequent upon a direction of the Court, the applicant filed affidavit dated 22.3.2016 giving full details of the land acquired by the respondents. The O.A. was disposed of on 15.7.2016, on request of respondents, to let the applicant file a fresh representation so that his case can be re-considered after going through all the relevant documents. He submitted representation dated 25.7.2016 (Annexure A-12) for appointment of applicant No.2. However, this time his claim was declined on the ground that he had not applied within the cut-off date of 31.3.1998, so he is not entitled to any benefit and in any case he was minor at that time. It is pleaded that an O.A. No. 305-PB-2002 titled **HARDAYAL SINGH VS. UNION OF INDIA & OTHERS**, was also filed in this Tribunal which was disposed of on 9.8.2002, with a direction to the respondents to re-consider his case in the light of the relevant policy by affording opportunity to compete, which was upheld by Hon'ble High Court. However, the claim of the applicant No.2 was not likely to be considered by the respondents, hence this O.A.

3. The respondents have filed a reply. They submit that as per para 2(2) of the Policy, only one job on preferential treatment is to be offered to one family whereas three O.As have been filed namely by Ajmer Singh, Rana Singh @ Ganga Singh and Daler Singh, seeking appointment on preferential basis to three members of one family i.e. great-grandsons of Smt. Kartar Kaur and grandsons of Sh. Amar Singh which is not permissible. As per policy dated 1.1.1983, appointment is to be given to a member of the family (sole owner of land or son / daughter / husband / wife of the sole owner). Since the applicant No.2 did not submit application by cutoff date, so he is not entitled to any benefit. Moreover, he was under age as on 31.3.1998 and even

otherwise could not apply for appointment. His claim has rightly been rejected. Moreover, one opportunity has already been afforded to applicant no.1 and it was rejected. Thus, applicant no.2 has no legal right for consideration for preferential appointment under land loser policy. They have, thus, prayed for dismissal of the O.A. The applicants have not filed any rejoinder.

4. We have heard the learned counsel for the parties at length and examined the material on file.

5. A perusal of the pleadings and documents available on record would show that indeed, initially the stand of the respondents was that even the applicants could not raise any claim as only one member of the family was entitled to appointment whose land was acquired and in this case the applicants were asked to and they produced evidence to indicate that they had inherited land from grandmother Smt. Kartar Kaur widow of Mool Singh son of Bishan Singh through a registered Will dated 22.1.1979 and mutation was also sanctioned and was shown in Jmabandi for the year 1978-79. The land was acquired vide notification dated 18.5.1981 and compensation too was paid independently, as such it could not be said to be a joint family land, as claimed by the respondents and claim of the applicants would be independent on the basis of acquisition of their land.

6. The second objection raised by the respondents is that once claim of applicant No.1 has been considered but he was not found suitable, for being over-age, he cannot submit a second application of applicant no.2, is also not tenable. It is not in dispute that applicant No.1 was already overage on cutoff date and delay of 16 years, caused him prejudice and now he cannot be given appointment and as such he was well within his right to name applicant No.2 for consideration for



appointment under the scheme, as the consideration had not taken place, despite submission of application / name by 31.12.1998, the cutoff date fixed by authorities. It was well within the time when consideration was going to take place that the applicant no. 1 submitted his representation for considering name of applicant no.2 (Gurmeet Singh), and as such his claim cannot be rejected by the respondents only on the ground that claim of applicant No.1 has already been considered, which is apparently not true, as he was over age and request for consideration of claim of applicant no.2 was submitted in due course of time before actual consideration could take place by the relevant authority. Thus, the objection raised by the respondents on this count has to be and is hereby rejected.

7. In view of the aforesaid discussion, this O.A is allowed. The impugned order dated 8.12.2016, Annexures A-1 is quashed and set aside. The respondents are directed to re-consider the case of the applicant no.2 (Gurmeet Singh), for appointment on compassionate grounds, in accordance with the policy instructions, and upon duly verifying from revenue records, failing which, after obtaining an affidavit from the concerned applicant, that applicant No.1 was owner of the land, on the date of the notification for acquisition of land, and if found eligible, grant him the same, within a period of three months from the date of receipt of a copy of this order.

8. The parties are, however, left to bear their own costs.

**(SANJEEV KAUSHIK)**  
**MEMBER (J)**

**(AJANTA DAYALAN)**  
**MEMBER (A)**

Place: Chandigarh.  
Dated: 06.09.2018  
HC\*