

**CENTRAL ADMINISTRATIVE TRIBUNAL, JABALPUR BENCH**  
**CIRCUIT SITTINGS:BILASPUR**

**Original Application No.203/00906/2018**

Bilaspur, this Wednesday, the 20<sup>th</sup> day of November, 2019

**HON'BLE SHRI RAMESH SINGH THAKUR, JUDICIAL MEMBER**  
**HON'BLE SHRI B.V. SUDHAKAR, ADMINISTRATIVE MEMBER**

Rahul Karade,  
S/o Shri Rameshwar Karade,  
aged about 27 years,  
At post Linga Tahsil Mokhend  
District Chindwada (M.P.) 481001

**-Applicant**

**(By Advocate-Shri Ajay Kumar Barik)**

**V e r s u s**

1. Union of India  
through the General Manager  
South East Central Railway Bilaspur  
District Bilaspur (C.G.) PIN 495004
  
2. The Divisional Railway Manager,  
South East Central Railway Bilaspur  
District Bilaspur (C.G.) PIN 495004
  
3. The Chief Administrative Officer (Construction)  
Personnel Branch South East Central Railway  
Bilaspur District Bilaspur (C.G.) PIN 495004
  
4. The Deputy Chief Administrative Officer  
(Construction) Personnel Branch,  
South East Central Railway Bilaspur  
District Bilaspur (C.G.) PIN 495004
  
5. The Senior Divisional Personnel Officer,  
South East Central Railway Bilaspur  
District Bilaspur (CG) PIN 495004

**- Respondents**

**(By Advocate-Shri Vivek Verma)**

## **O R D E R (Oral)**

### **By Ramesh Singh Thakur, JM:-**

Through this Original Application the applicant is challenging the order dated 16.05.2018 (Annexure A/1) passed by respondent No.4.

**2.** The applicant has prayed for the following reliefs:-

*“8.1 This Hon’ble Tribunal may kindly be pleased to direct the respondents to call for the entire records and to allow the original application.*

*8.2 This Hon’ble Tribunal may kindly be pleased to quash Annexure A-1 dated 16.05.2018 passed by respondent No.4 whereby the applicant is unable to get appointment in railway due to loss of land and extension of railway board gauge from Nagpur to Chhindwara.*

*8.3 Any other relief or relief as the Hon’ble Tribunal may kindly deem fit and proper.”*

**3.** The facts of the case of the applicant are that the land, measuring 0.535 hectare has been acquired for extension Chhindwara-Nagpur Railway Line. The respondent-Railways issued a letter dated 03.08.2017 (Annexure A/4) for screening the criteria for appointment on rehabilitation ground on the basis of said acquisition of

land. After scrutinizing the relevant documents the respondent-Railways has rejected the application on the ground that the applicant being the grandson of the actual land owner. The father of the applicant has approached the competent authority narrating the detailed facts of applicant's eligibility for appointment on rehabilitation ground because of applicant's father is unable to be the work due to over age and not qualified and prayed that appointment be made to the applicant. Copy of letter dated 04.12.2014 is annexed as Annexure A-5. The applicant's grandfather whose name was placed in respect of land acquisition later on it has been equally mutated by the sons. Now the land which has been mutated in the name of applicant's father has been acquired by railway administration. Copy of orders is filed collectively at Annexure A/6. The applicant has made notarized letter of consent from family members in respect of appointment to the applicant which was filed before the competent authority at the time of submitting applications for

appointment. Copy of consent letter dated 10.08.2017 along with affidavit are filed at Annexure A/7. The applicant has relied upon the judgment passed by Hon'ble High Court of Chhattisgarh in Writ Petition (S) No.1349/2018 (***South East Central Railway and others vs. Yashvant and others***) decided on 03.04.2018.

4. The respondents in their reply have stated that the applicant was the grandson of Santosh S/o Bhondu Kunbi and as per policy of Railway Board's dated 16.07.2010 and notification dated 02.09.2011 he was not entitled for the employment. Therefore the claim of the applicant has been rejected.

5. We have heard the learned counsel for both the parties and have also perused the documents attached with the pleadings.

6. From the pleadings it is admitted fact that the land of the grandfather of the applicant has been acquired by the respondent-department. The case of the applicant has been rejected only on the ground that the applicant is the

grandson and as per policy he was not entitled for employment.

7. The only point for determination before us is that whether the applicant (grandson) is entitled for benefit of scheme as per policy of the respondent-department.

8. The counsel for the applicant has relied upon the judgment passed by Hon'ble High Court of Chhattisgarh in Writ Petition (S) No.1349/2018 (***South East Central Railway and others vs. Yashvant and others***) decided on 03.04.2018 whereby the Hon'ble High Court has upheld the order passed by this Tribunal in O.A. No.203/00929/2014 decided on 28.11.2017. Hon'ble High Court has dealt with the issue in Para 3 and 4 of the said judgment which are as under:-

*“3. It is not in dispute that no members of the family of the person from whom the land was acquired was appointed as among the land losers. The Railways also do not dispute the fact that the 1<sup>st</sup> Respondent is the grandson of the primary owner of the land, which was acquired. Revised instructions dated 16.07.2010 issued by the Railway Board says that the Applicant shall be a person whose land or a portion thereof has been acquired for the project. It is the provision therein that in case of sole owner of land, the*

applicant shall be the sole owner or son/daughter/husband/wife of the land. The said clause further elaborates to say that if the land is owned by more than one person, it would be for the competent authority to decide as to who shall be considered as applicant. This clause itself shows that there is a fair amount of discretion available to the Railway Authorities in the matter. The ultimate requirement is that there should not be any appointment, of more than one person referable to one owner of an item of land which is acquired by the Railways. A purposive approach in understanding the Railway Board's notification would definitely lead to the conclusion that in cases where situation of the nature in hand occur, it will be within the authority of the Railways to make the appropriate choice; even down in the probable line of succession; particularly when all the three person are still alive and are shown to have been carrying out agricultural operations over land that they lost as a result of requisition by the Railways.

4. In the aforesaid view of the matter, we do not find that there is any illegality or injustice done to the Railways, in the manner in which the Tribunal has dealt with the application filed by the 1<sup>st</sup> Respondent before it. The Tribunal acted well within its jurisdiction in terms of the provisions of the Administrative Tribunal Act, 1985. The conclusions on facts have been rendered on the basis of materials on record. Inferences drawn by the Tribunal are fair and reasonable. They cannot be treated as unjust and unavailable. Balancing the right of the Railways and their obligation to provide employment to land losers on the one hand and the eligibility of atleast one person to get employment on account of land acquisition, we do not see any that injustice has been cause to the Railways by the impugned verdict. We,

*therefore, do not find any ground visit the decision of the Tribunal by exercising authority under Article 227 of the Constitution of India. The writ petition thus fails. ”*

**9.** We have considered the matter and we are of the view that this issue regarding the eligibility of the grandson has been dealt by this Tribunal which has been upheld by the Hon'ble High Court of Chhattisgarh in the case of ***Yashvant*** (supra) and the instant case is totally covered by the law laid down by this Tribunal and upheld by Hon'ble High Court of Chhattisgarh.

**10.** Resultantly, this Original Application is allowed and Annexure A/1 dated 16.05.2018 passed by the respondent-department, is quashed and set aside. Respondents are directed to reconsider the case of the applicant within a period of 60 days from the date of receipt of a certified copy of this order. No costs.

**(B.V. Sudhakar)**  
**Administrative Member**

**(Ramesh Singh Thakur)**  
**Judicial Member**