

NORTH CENTRAL RAILWAY

NCRPS-6397/2025

Headquarters Office
Subedarganj, Prayagraj

No. 797-E/NCR/Policy/2025/Court Case

Dated: .05.2025

All PHODs / CHODs, NCR HQ office, Prayagraj,
Divisional Railway Manager AGRA, JHANSI & PRAYAGRAJ,
CWM/JHS WS, CWM/ MLR WS, CWM/ RSK/STLI, CWM/CPOH Prayagraj,
Sr.DPO AGRA, JHANSI & PRAYAGRAJ, Dy.CPO/Const PRYJ, Dy.CPO/WS/JHS,
SPO/MLR, APO /RSK/STLI, CEE/WS/ JHS, Dy.CE/WS/JHS, Dy.CMM/GSD JHANSI,
Dy.CE/ Bridge Line JHANSI AGRA, Prayagraj, Dy.CE/ TMC Line JHANSI DyCE / CSP
Prayagraj, Staff Officer/RPF/NCR/HQ/Prayagraj. Dy.FA&CAO/G/NCR,
Principal- ETC/ Kanpur. Principal- IRTMTC / Prayagraj, Principal- CETA / Kanpur,
Principal- Supervisor Training Centre /Jhansi, Principal- Area Training Centre/Jhansi,
Principal- Transportation Training Centre, Subedarganj / Prayagraj, Principal- Basic Training
Centre, Loco/Jhansi, Principal- BTC/C&W/Jhansi, Principal- BTC, Wagon Workshop/Jhansi,
Principal- C&W training Centre/ Kanpur, Principal- Permanent Way Training Centre/JHS,
Principal- Electric Training Centre/TRD/Jhansi.

Sub: Guidelines for contesting court cases related to appointment of land losers.

Ref: Railway Board Letter No. E(NG)II/2023/RC-5/5/SECR/SLP dated:
16.05.2025.

Copy of Railway Board Letter No. E(NG)II/2023/RC-5/5/SECR/SLP dated: 16.05.2025
(along with its enclosures), is annexed herewith for further necessary action.

Policy Letter Circulated under NCRPS/NCRBE is also be available on website
www.ncr.indianrailways.gov.in (About us→Department→Personnel→NCR Policy Circulars).

DA: as above

Digitally Signed by Lavkush
(Lavkush Singh Rawat)
APO/IR
Date: 23-05-2025 10:12:13
for General Manager/P
Reason: Approved

- C/- Secretary to GM for kind information to General Manager.
- C/- Secretary to AGM for kind information to AGM.
- C/- DGM/Law/NCR/HQ/PRYJ
- C/- All Personnel Officer in HQ.
- C/- All Recognized Union and Associations.
- C/- RP Cell, NCR/HQ/PRYJ monitor the position of reservation as advised in the letter.
- C/- CLA/P/NCR/HQ/PRYJ.
- C/- Ch.OS/Cadre(NG)/P/NCR/HQ/PRYJ.
- C/- CS&WI Rectt./P/NCR/HQ/PRYJ
- C/- SWC for information in reference to SWC No.

GOVERNMENT OF INDIA
MINISTRY OF RAILWAYS
RAILWAY BOARD

PCPO
RA
17/5
CPO/A

No. E(NG)II/2023/RC-5/5/SECR/SLP

New Delhi, Dated: 16.05.2025

General Manager (P),
All Zonal Railways.

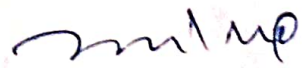
Sub: Guidelines for contesting court cases related to appointment of land losers.

As the Railways are aware, policy of offering appointment to land losers had been withdrawn vide Board's letter no. E(NG)II/2010/RC-5/1 dated 11.11.2019. Para 5 of above instructions indicated that it would be effective from the date of issue. Various references have been received from Zonal Railways seeking necessary guidelines for dealing court cases pertaining to period prior to 11.11.2019 regarding appointment of land losers, in light of rising number of court cases. In this connection, following observations are made-

- a. Prior to 11.11.2019, the policy of offering employment to land losers was governed by various instructions as in force from time to time. However, it was provided in para 2(i) of above letter dated 11.11.2019 that Ministry of Railways' earlier policy of offering appointment in Railways to affected land-losers issued vide references cited in the letter (viz letters dated 16.07.2010 and subsequent letters) is withdrawn and circulars issued in this regard vide reference above stand superseded. Thus relying solely on the para 5 of above instructions (which states that *this policy shall be effective from the date of issue of this letter*) is not appropriate. For the sake of arguments it may be appreciated that since letters dated 16.07.2010 and onwards were withdrawn, at the best, the earlier orders vide Board's letter no.E(NG)II/2002/RC-5/4 dated 19.04.2006 and earlier, which were superseded by instructions dated 16.07.2010, come into force for handling the cases arising prior to 11.11.2019.

The Salient Points mentioned in the Board's instructions dated 19.04.2006 are as under-

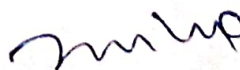
- 1) The whole issue has been deliberated upon at length in the full Board Meeting and it has been decided that no cognizance by the way of offering employment to displaced persons should be given wherein only a strip of land has been acquired but the same can be considered in Group 'D' posts only wherein large area, house or substantial livelihood has been taken away/snapped in the process.
- 2) In future, offering appointment in Railways should be exception rather than a rule whenever any land acquisition takes place.



- b. The policy of offering job to land losers has been based on the Rehabilitation and resettlement policies of 2003, 2007 as notified by nodal Ministry (viz Ministry of Rural Development) and subsequently RFCTLARR Act, 2013. Above policies happened to be the guiding principles. The instructions issued by Railways / guiding principles contained in above rehabilitation and resettlement policies did not guarantee compulsory employment to each and every land loser. Consideration of the claim of the land loser for jobs was not absolute but discretionary and subject to fulfillment of various conditions.
- c. RFCTLARR Act, 2013 was enacted by Parliament and thus had an overriding effect on executive instructions issued earlier. As such, wherever above act has been invoked for land acquisition and grant of compensation, other provisions of the Act cannot be ignored.
- d. The recruitment, and conditions of service of persons appointed, to public services and posts in connection with the affairs of the Union are governed by article 309 of Constitution of India. In exercise of powers conferred by article 309, Indian Railway Establishment Code has been issued. Rule 123 of IREC stipulates as follows :

123. The Railway Board have full powers to make rules of general application to Group C & Group D railway servants under their control.

124. The General Managers of Indian Railways have full powers to make rules with regard to railway servants in Group C & D under their control provided they are not inconsistent with any rules made by the President or the Ministry of Railways. Railway Board is thus also empowered to withdraw any existing rule & to make change in the existing rules as considered desirable.
- e. Accordingly, as per above delegated powers, Railway Board happens to be the competent authority for issuing rules regarding eligibility/suitability for various Level 1 posts of different departments from time to time as regards educational qualification, medical standards etc. Such rules, as in force would thus be equally applicable at the time of appointment of land losers (unless specifically exempted by Board) as such cases happen to be the cases of direct recruitment. Further, for regulating such cases, the Railway are also authorized to make rules in terms of Rule 124 of IREC.
- f. Based on the recommendations of 6th CPC, the erstwhile Group 'D' categories got upgraded to Group 'C' in Pay Band PB 1 (GP Rs.1800) subject to minimum qualification being Matric/ITI. Though initially the candidates with qualification lower than Matric/ITI (essential for posts in PB1/GP 1800) were permitted to be appointed in certain specific situations of hardship in -1S Pay Band. Such concept no longer exists after implementation of 7th Central Pay Commission recommendations.
- g. Other relevant aspects to be relied upon while dealing/contesting the cases of land losers are mentioned in Annexure-I.

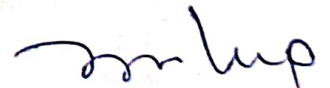
 .../-

- h. On the same issue, Hon'ble Supreme Court's vide their judgment dated 14.03.2019 in SLP (C) No. 696-710 of 2011 in Union of India & Ors. Vs- Shankar Prasad Deep, has ruled that : *"applicants would be required to fulfill all other prescriptions, including educational qualifications, appearing at the written test, minimum age requirements and medical fitness."*
- i. Recently Hon'ble High Court of Judicature at Madras vide its order dated 04.11.2022 in W.P(S) No. 28805, 28806, 28807, 28808 of 2017 in J. Srinivasan & Ors. vs. UoI & Ors., which were filed due to rejection of the claim of petitioners to provide priority for appointment under the land losers category, observed as under:

" The learned counsel appearing on behalf of the Southern Railways brought to the notice of this Court that the Circular issued by the Railways providing priority to the land losers was withdrawn by the Government of India, Ministry of Railways in proceedings dated 11.11.2019. This being the factum, now at this length of time more so, after a lapse of seventeen years from the date of acquisition, the claim of the petitioners for appointment in Southern Railway cannot be considered."

2. As each case involves specific facts and circumstances, Zonal Railway may examine each case in the light of above observations duly consulting their legal department/conducting Railway counsel and take appropriate necessary action to suitably defend the interests of the Railways including in those cases where the matter is pending before courts.
3. In case no viable option is feasible but to implement the directions of the Courts, the case may be put up for decision of the GM for further course of action.

DA: As above



(U. K. Tiwari)
Director Estt.(N)
Railway Board

Annexure-I

Additional aspects to be relied upon while deciding/contesting the cases of land losers

- a. There is a very large number of cases of land losers where only a very small piece of land (comprising just a few square yards) is acquired. Further in many cases only a fragment of land held by land loser is acquired. In such cases the livelihood of the affected family is not supposed to have been affected necessitating and justifying compulsory offer of public employment.
- b. Collection of data from various Zonal Railway indicates that there are about 1.64 lakh land losers who are prospective claimants of Railway jobs on account of land acquisition if job is offered to each and every land loser.
- c. Railway has around 354491 Level-1 (erstwhile Group 'D') posts in total. If we calculate the annual occurrence of vacancies in Level-1 due to attrition (retirement etc.) at the rate of 3%, the total vacancies arising on annual basis would be approximately 10635. Thus it will take a number of years to absorb above potential claimants even if all / majority of L1 vacancies are reserved for such land loser and appointments are made relaxing the recruitment standards, age criteria, medical standards etc.
- d. Railways happens to be one of the largest employer in government sector and there is huge demand in general public for employment on Railways. In the year 2019, 1,03,769 L1 posts were notified for recruitment through open market vide CEN No. RRC-01/2019 which resulted in applications from more than 1.15 crore candidates. Reserving all /most of the posts to land losers will have a huge negative impact on such candidates aspiring to join public employment through open market competition and would be contrary to Court judgments regarding open competition for public employment. Offering of en-mass appointments to land losers compromises the availability of jobs to open market candidates aspiring for government employment.
- e. Railway is an operational department and out of 3.55 lakh Level-1 posts, about 80% comprise safety category posts requiring recruitment thereto based on certain minimum standards regarding age, educational qualification, written examination, test of physical endurance and medical standards. The



number of safety category posts in Railways is increasing periodically due to operational requirements. Appointment of a large number of candidates / land losers without following above criteria may compromise safety of Railway's operation which may lead to increase in rail accidents and ultimately, loss of human lives.

f. Many of the applicants are either over-age or under-qualified. The increasing reliance on technology in Railways is leading to increased requirement of skilled hands and best talent available. Presently, even the lowest employee in the hierarchy is required to be matriculate/ITI in all safety category posts so that they are able to grasp the technological developments. Also, the present incumbents from open market have to compete with hundreds of competitors on All India Basis which ensures recruitment of candidates of desired standard.

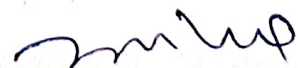
g. Cases involving grandsons or other relative needs to be contested on the grounds that appointment was to be considered only in favour of the displaced person himself or his wife/son/daughter and not to others as clarified vide Board's letter no. E(NG)II/82/RC-1/95 dated 11.02.1988.

h. The policy of offering jobs to land losers has already been discontinued vide Board's letter dated 11.11.2019. As per para 2 (i) of above instructions earlier letters dated 16.07.2010, 13.08.2010 and 28.09.2010 have also been withdrawn and superseded. Thus above letters dated 16.07.2010, 13.08.2010 and 28.09.2010 are no longer in existence.

i. The cases where claims are being raised long after acquisition of land, the same may be contested duly taking into account aspect of limitation period also.

j. In the present context it is pertinent to mention the observations made by the Hon'ble Supreme Court in the case of Secretary, State of Karnataka vs Umadevi & Ors (2006), which is as under:

- i. The Constitution does not envisage any employment except through a procedure involving **fair selection**.
- ii. There is a **Constitutional scheme** for the States and Union in the Constitution in the matter of recruitment to ensure **Rule of equality** and fair selection in public employment.
- iii. Recruitment can be made only after a **proper competition** among qualified persons.



- iv. The High Courts should not ordinarily issue direction for absorption, regularisation or permanent continuance unless the recruitment was made regularly and in terms of the Constitutional schemes.

k. Recently, Hon'ble High Court of Judicature at Madras vide its order dated 04.11.2022 in W.P(S) No. 28805, 28806, 28807, 28808 of 2017 in J. Srinivasan & Ors. vs. UoI & Ors., which were filed due to rejection of the claim of petitioners to provide priority for appointment under the land losers category, observed as under:

"The learned counsel appearing on behalf of the Southern Railways brought to the notice of this Court that the Circular issued by the Railways providing priority to the land losers was withdrawn by the Government of India, Ministry of Railways in proceedings dated 11.11.2019. This being the factum, now at this length of time more so, after a lapse of seventeen years from the date of acquisition, the claim of the petitioners for appointment in Southern Railway cannot be considered."

l. On the same issue, Hon'ble Supreme Court's vide their judgment dated 14.03.2019 in SLP (C) No. 696-710 of 2011 in Union of India & Ors. Vs- Shankar Prasad Deep, has ruled that : *"applicants would be required to fulfill all other prescriptions, including educational qualifications, appearing at the written test, minimum age requirements and medical fitness."*

.....

