

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/32/2020

Hyderabad, this the 13th day of March, 2020



Hon'ble Mr. B.V. Sudhakar, Member (Admn.)

K. Dhananjaya,
S/o. K. Chengaiah,
Aged about 34 years,
R/o. Settipally Village,
Tirupathi Rural, Chittoor District.

... Applicant

(By Advocate: Mr.K. Sudhakar Reddy)

Vs.

1. Union of India, Rep. by
General Manager,
South Central Railway,
Rail Nilayam, Secunderabad.
2. Union of India,
Rep. by its Chief Workshop Manager,
Carriage Repair Workshop (CRS),
South Central Railway,
Renigunta Road, Settipalli Post,
Tirupathi Post, Chittoor District.

... Respondents

(By Advocate: Mrs. Vijaya Sagi, SC for Railways)

ORAL ORDER
{As per B.V. Sudhakar, Member (Admn.)}

2. OA is filed seeking employment under Land Displaced Person (for short “LDP”) quota in the respondents organisation.



3. Brief facts are that the respondents have acquired 0.21 cents of wet land under different survey numbers located at Settipally village belonging to the applicant for setting up Carriage Repair Shop at Tirupati, with a proviso for paying compensation as well as to provide a job to one of the family members of the land loser. Accordingly, when respondents issued a notification on 12.12.1997, the candidature of the applicant was rejected on the ground that he was under-aged and in the subsequent notification issued on 24.5.2001, applicant's name, despite figuring in the list of candidates under land loser quota, did not yield favourable result. Hence, applicant filed W.P. No. 25373 of 2004 before the Hon'ble High Court of Andhra Pradesh, which was disposed of with a direction to consider the case of the applicant for appointment under LDP quota. Respondents on 27.4.2005 rejected the request of the applicant for the job claiming that compensation was paid in 1985. Aggrieved WP no 17488 of 2005 was filed which was dismissed on 23.8.2018. In response applicant filed WA No.64 of 2019 wherein, based on jurisdiction, it was directed to pursue the matter before the Central Administrative Tribunal. Hence, the OA.

4. The contentions of the applicant are that the condition of providing a job for acquiring his family land has not been fulfilled. Four candidates

similarly placed like the applicant, when their candidature got rejected on applying against notification issued in 2001 for being under-age, approached the Hon'ble High Court and on directions, they were provided jobs by the respondents. Being similarly placed, denying employment to the applicant is irregular and illegal.



5. Heard both the counsel and perused the pleadings on record.

6. I) It is not disputed that the land of the applicant's family was acquired by the respondents in establishing the Carriage Repair Workshop. The applicant did apply against notification in the year 1997 but was rejected for being a minor to offer a job. Later, when he applied against notification issued in 2001, the result was unfavourable. Placed against such similar odds, four candidates, whose cases were rejected against notification of the year 2001, on approaching the Hon'ble High Court, as per directions contained therein, were offered jobs as per details set out hereunder, is the fulcrum of claim of the applicant:

1. P. Muthyalaiah (W.P No 19101 of 2003)
2. K. Thirumala Rao (W.P No 16754 of 2003)
3. P. Muthyalaiah (W.P No. 16082 of 2003)
4. T.Murga Prasad (W.P No. 25010 of 2004)

II) Ld. Counsel for the applicant submitted that since the applicant is similarly placed like the four others who have been offered jobs, as per settled law, applicant should also be extended the similar benefit. Therefore, he has prayed that the applicant be allowed to make a

comprehensive representation bringing out the contours of his case so that the respondents can re-examine and decide the issue in accordance with law.



III) Opposing the contentions made, Ld Counsel for the respondents has drawn attention of the Tribunal to the Impugned order dated 27.4.2005 wherein it was stated that the candidature of any person under LDP quota will be considered for the first two recruitments under direct recruitment quota or within a period of 2 years after acquisition of land, whichever is later. In respect of the applicant, his candidature was rejected in 1985 since he was a minor and in respect of the 2nd notification of 1997, it was rejected on grounds that 20 years have lapsed since acquisition of land and that compensation for the land was paid. Hence, no case has been made out by the applicant, is the final submission of the Ld. Counsel of the respondents.

IV) After hearing both the counsel, it is to be observed that in pursuance of the orders of the Hon'ble High Court, 4 candidates are reported to have been provided jobs by the respondents. Applicant claim is that he is similarly placed like the 4 referred to at para 6 (1) and therefore, his case too has to be considered. In view of the submissions made by either sides, to uphold justice, the applicant is directed to make a comprehensive representation detailing the provisions of the award, Hon'ble High Court observations in similar cases and provisions of law, within a period of three weeks from the date of receipt of this order. Respondents on receipt of the representation shall dispose the same by

issuing a speaking and reasoned order within 8 weeks from the date of its receipt.

V) With the above direction, the OA is disposed of, with no order as to costs.



/evr/

(B.V. SUDHAKAR)
MEMBER (ADMN.)