

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH**

Original Application No.20/29/2020

Hyderabad, this the 13th day of March, 2020

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



K. Muniratnam
S/o. K. Subrahmanyam,
Aged about 37 years,
R/o. Settipally Village,
Tirupathi – 517501, Chittoor District.

... Applicant

(By Advocate: Mr.K. Sudhakar Reddy)

Vs.

1. Union of India,
Ministry of Railways,
Rep. by its General Manager,
South Central Railway,
Rail Nilayam, III Floor,
Secunderabad – 500 071.
2. The Chief Workshop Manager,
Carriage Repair Workshop (CRS),
South Central Railway, Tirupathi.

... Respondents

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

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

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



3. Brief facts are that the respondents have acquired 29 cents of wet land from the family of the applicant to set up Carriage Repair Shop at Tirupati and in lieu of acquiring the land, one member of the family of the land loser is to be offered a job, besides paying compensation for the land. There being no response in regard to the offer of appointment, OA 1793 of 2000 was filed wherein it was directed to dispose of the representation of the applicant. Accordingly, a representation was made before 31.5.2001 but it was forwarded to the 1st respondent only on 3.9.2002. Thereupon, W.P. No. 1119 of 2005 was filed wherein it was directed to pass orders on the application made as per provisions of the scheme while making an observation that the applicant has attained majority fulfilling the criteria laid down by the respondents. Respondents rejected the application on grounds of under-age, resulting in filing of W.P. No. 7910/2017 wherein an interim direction was given on 4.6.2007 observing that the impugned notification dated 12.12.1997 did not specify the minimum age and that generally speaking the age has to be reckoned as per the date of application. Besides, the impugned order dated 21/28.11.2019 is liable to be set aside and direct the respondents to appoint the applicant in Group C cadre, on par with 3 others who were similarly placed and appointed by the respondents. When the W.P. No. 7910 of 2007 came up for final hearing, it

was disposed on 24.8.2018 with a direction to approach the Administrative Tribunal with the observation that the pendency period of the W.P. should not be counted for the purpose of limitation. Accordingly, the OA has been filed.



4. The contentions of the applicant are that the Hon'ble High Court in the interim order dated 4.6.2007 observed that the respondents have considered the age of the applicant taking it as December 2000 which led to his being declared as under aged. Moreover, similarly placed candidates were offered appointment by the respondents. In one another W.P. No. 22666/2000, when the orders of allowing the OA 1571/1998 dealing with the subject, were challenged, Hon'ble High Court has observed that there is no time limit to apply for employment under LDP quota as the notification did not specify time frame. Further, OA 565/2019 filed by the applicant was disposed on 02.07.2019 and pursuant thereto, the respondents passed the impugned order dated 21/28-11-2019, without responding to the main grievance of the applicant that similarly situated candidates were provided employment.

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

6. It is not under dispute that the land of the father of the applicant was acquired by the respondents to establish Carriage Repair Shop at Tirupati. In lieu of the land acquired, respondents came up with a scheme to provide a job to one of the eligible family member of the land looser, besides

paying compensation. Applicant's father accordingly applied but it was rejected on the ground that he was over aged. Thereafter, applicant applied and it too was rejected stating that he was under aged. The matter was contested in different OAs and writ petitions. The relevant observations made in WP No. 22666/2000 by the Hon'ble High Court is as under:



"..since the Railway Administration have not laid down any time frame for consideration of such cases, which obviously resulted in belated claims by the second and third generations heirs of original losers, and therefore, in the light of the scheme prevalent as on that date the case of the respondent therein needs to be considered."

In WP No. 3106/2006, disposed on 12.12.2019, Hon'ble High Court of Andhra Pradesh observed as under:

"4. It is brought to the notice of this Court by the learned counsel for the petitioner that when similar issues came up for consideration before this Court, this Court passed orders in WP Nos. 16082 of 2003, 16754 of 2003, 25010 of 2004 and 19101 of 2003 and in pursuance of which, the railway department issued orders on 09.10.2006 in the direction of implementing the said orders. The same is not in dispute.

5. Having regard to the aforesaid orders of this Court, this Writ Petition is also disposed of, directing the respondents herein to consider the case of the petitioner for appointment against Group D category posts either in the existing vacancy or in the future vacancies, as was done by way of the orders dated 09.10.2006. .."

Office Order dt. 09.10.2006 referred to in the order of the Hon'ble High Court supra is also filed along with the OA. Applicant claims that the three candidates viz., P. Muthyalaiah, K. Tirumala Rao and Murga Prasad, who too, were under aged were provided employment by the respondents and therefore, as per settled law, respondents should offer employment to the applicant is his strong contention. Ld. Counsel for the applicant submitted that the applicant's case for employment has to be considered as

per the scheme framed by the respondents and on par with similarly situated candidates, who were offered appointed. In contrast, Ld. Counsel for the respondents has pointed out that the impugned order dated 21/28.11.2019 has comprehensively dealt with the issue and rejected the case of the applicant. There is nothing much left to decide upon.



Thereupon, the Ld. Counsel for the applicant has submitted that the main grievance that similarly placed candidates namely P. Muthyalaiah, K. Tirumala Rao and P. Muthyalaiah have been offered appointment and not to the applicant was not redressed through the impugned order.

7. After hearing both the counsel and after going through the facts of the case, the applicant is directed to submit a representation to the respondents while referring to the impugned order, within 3 weeks stating the clauses of respondents scheme, observations of the Hon'ble High Court in relevant writ petitions, the provisions of law under which his case for appointment has to be considered. On receipt of the representation, respondents are directed to dispose of the same by issuing a speaking and well reasoned order, attending to each of the contentions made therein, within a period of 8 weeks from the date of its receipt

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

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

/evr/