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CENTRAL ADMINISTRATATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.481/2000

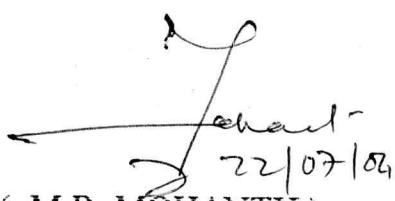
Cuttack, this the 22<sup>nd</sup> day of July, 2004

Madan sundar Bchera	.....	Applicant(s)
Vrs.		
Union of India & Others	.....	Respondent(s)

FOR INSTRUCTIONS

(1) Whether it be referred to the Reporters or not? N

(2) Whether it be circulated to all the Benches of the Central  
Administrative Tribunal or not? N

  
22/07/04  
( M.R. MOILANTY )

MEMBER (JUDICIAL)

  
( B.N. SOM )  
VICE-CHAIRMAN

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CENTRAL ADMINISTRATATIVE TRIBUNAL  
CUTTACK BENCH: CUTTACK

ORIGINAL APPLICATION NO.481/2000

Cuttack, this the 22<sup>nd</sup> day of July, 2004

CORAM:

HON'BLE SHRI B.N. SOM, VICE-CHAIRMAN

&

HON'BLE SHRI M.R. MOHANTY, MEMBER (J)

Sri Madan Sundar Behera, aged about 29 years, S/o Sri Nityananda Behera, At-Radabahal, Post-Mandal, P.S-Belpara, Dist-Bolangir.

..... Applicant(s)

By the Advocate(s) .....

Mr.B.S.Tripathy

-Vs-

1. General Manager, Ordnance Factory, At/Po-Badami, Dist-Bolangir.
2. Ministry of Defence, Department of Production & Supply represented through its Director, H. Block, New Delhi.
3. Govt. of India, represented through its Secretary, Ministry of Defence, Indian Ordnance Factory, New Delhi.
4. Sri Ananda Kumar Sahoo, aged about 20 years, S/o Bansidhar Sahoo, At-Bhadra (Lahurapal), Po-Bhadra, P.S. Santala, Dist-Bolangir.

..... Respondent(s)

By the advocate(s) .....

Mr. A.K. Bose.

ORDER

SHRI B.N. SOM, VICE-CHAIRMAN: Sri Madan Sundar Behera S/o Sri Nityananda Behera has filed this O.A. challenging the inaction of the Respondents for not offering the post of Teacher (Primary) and T.G.T (English) to him in-terms of the scheme for rehabilitation of the uprooted families whose land have been acquired for setting up of the ordnance factory.

2. The case of the applicant is that the Govt. had acquired the land of his family for establishment of an Ordnance factory. The said land belonged to his grand father, namely, Samaru Behera. As per the assistance scheme he is entitled to rehabilitation and that is how he had applied for appointment as a teacher of a Primary School or trained graduate teacher in English in response to the employment notice dated 24/30.07.99 issued by the Respondents. However, he was not selected. The action of the Respondents has been assailed being illegal and arbitrary, contrary to law and liable to be quashed.

3. The Respondents have contested this application stating that this O.A is not maintainable not only on the ground of limitation but that the applicant has no locus standi to challenge the Agreed List of land displaced persons. They have disclosed that the applicant had preferred a grievance/petition before the Collector, Bolangir, on 30.10.99 which was referred to the Respondent No.1 by the said authority and the matter was disposed of with a reply to the Collector, Bolangir, that as per the agreed list of displaced persons, the family of Shri Samaru Behera, son of Kapila Behera, consisted of his wife, one adopted son i.e. Anand Sahoo and grand son, Shri Madan Sundar Behera. It was also disclosed that the said Anand Sahoo had already been given appointment in Ordnance factory Bolangari as labourer (unskilled) absorbed against a displaced person quota.

4. We have also heard Shri M.K. Rath Ld. Counsel for the applicant and Shri A.K. Bose, Ld. Sr. Standing Counsel. From the facts of the case as disclosed in the counter it is clear that the applicant does not possess the status of land displaced person. On the other hand, his family has already received the benefit of land displaced person re-habilitation scheme. In the circumstances, this O.A. is misconceived, over and above being barred by limitation. Having regard to these facts and circumstances of the case we see no merit in this O.A. which is accordingly disposed of. No costs.

*Chair*  
 22/07/04  
 ( M.R. MOHANTY )  
 MEMBER (JUDICIAL)

*Suk*  
 ( B.N. SOM )  
 VICE-CHAIRMAN

CAT/CTC  
 Kalpeswar