

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Or. No. 8.1.04

Reply to respondent  
bills, copy sent  
for Admission &  
final hearing.

Or. No. 10.02.04

Asst. Respondent  
bills

For Admission/  
final hearing.

Or. No. 3.3.04

Asst. Respondent  
bills, copy sent  
for Admission  
and final hearing.

Bench

Or. No. 25.3.04

copies of order  
repared for counsel  
or both side.

14/04  
20/05

Order dated 25. 3.2004

Heard Shri K.Dash, learned counsel for the applicant and Shri S.B.Jena, learned Addl. Standing Counsel for the Respondents and perused the materials available on record.

The applicant, in this O.A. under Section 19 of the A.T.Act, 1985, has approached the Tribunal with prayer for direction to be issued to Respondents, particularly, Res.No.3 <sup>appointment</sup> to give him within a stipulated period as he has submitted all the relevant documents and completed the training for the said purpose.

The case of the applicant is that his father, who was a resident of village Rengali under Saintala P.S. in the District of Bolangir, had surrendered some part of land to the Govt. of India for setting up of Ordnance Factory in the year 1985. The Respondents had given an assurance that the land losers would not only be entitled to financial compensation but also would be offered employment. Accordingly, in the year 1985 a list of more than 1000 displaced persons was prepared jointly by the State Govt. of Orissa and the Government of India, called, as Agreed List, for the purpose of providing employment to Land Losers. In the said list, as admitted by the Respondents, and claim the name of the father of the applicant, viz., Shri Sankirtan Patel was also included. However, whereas the Respondents did provide employment to many persons from the agreed list, the case of the applicant's father was held up on the plea that certain adverse report against his

5

father had been received which was under investigation in so far as the case of adoption of the applicant by Sri Sankirtan Patel is concerned. This matter has been going on investigation by the various authorities in the District. In the meantime, the applicant had moved the Civil Court and obtained a ~~decree~~<sup>decree</sup> with regard to his adoption from the family of Samanta from the year 1978. This ~~decree~~<sup>decree</sup> was awarded on 31.8.2000. Thereafter, the Superintendent of Police, Balangir also submitted verification report, wherein it was certified that the father of the applicant had not concocted or filed any false affidavit. However, inspite of verification having been completed satisfactorily, the Respondents have not favoured him with letter of appointment.

The Respondents have admitted the facts of the case. However, both in the counter as well<sup>in</sup> as reply to the rejoinder of the applicant, the Respondents have opposed the application on the following grounds.

- "1. Late Shri Sankirtan Patel did not adopt Shri Bipin Patel before 1986, as his name does not appear in the original list of LDP made in the year 1985 jointly with District Authorities. If late Shri Sankirtan Patel adopted the Applicant in the year 1978 as claimed by him then his adopted son's name would have obviously appeared in the Original LDP register made in the year 1985.
2. Late Shri Sankirtan Patel made the adoption deed in the year 1994, i.e., after 09 years of displacement when the age of the applicant was 24 years.
3. The father of Shri Bipin Patel was Shri Rameswar Patel till 1994 as evident from the School Leaving Certificate issued by P.P. Academy, Balangir in the year 1988.
4. The name of Shri Bipin Patel appears in Voter List of Village Kuikeda and Bharel both published in the year 2001 with his father's name as Shri Rameswar Patel."

6

The Respondents on the aforesaid grounds are of the opinion that the application is devoid of merit as the applicant is not the original land displaced person.

We have carefully considered the arguments advanced at the Bar. We are not impressed ~~with~~ the objections raised by the Respondents, as aforementioned. It is not the case of the applicant that he is not the original land displaced person. The issue is whether ~~the present~~ it is not the policy of the Government to pay financial compensation as also offer job to one of the family members of the person, who has lost land on account of national cause. This being the case, our answer to this is in the affirmative and that is why both the State Government and the Government of India jointly prepared the agreed list where the name of the adopted father of the applicant appears. It is also a part of the policy of the Government that the employment is to be offered to head of the family, ~~who~~ and/or <sup>to</sup> one of the members of the family, who has lost his land for the national cause. That being the position, it is not open to the Respondents at this stage to raise an objection on the plea that the applicant is not the original list displaced person. In the circumstances, we see no merit in the said objection raised by the Respondents, which is hereby overruled.


As the Civil Court has already found the adoption of the applicant by Shri Sanikrtan Pateal ~~is~~ valid in the eye of law, there is no legal obstacle or impediment ~~is~~ standing in the way of offering relief to the applicant, as per the policy of the Government.

Having regard to the facts and circumstances

7

of the case and as the District authorities are also <sup>non</sup>~~not~~ satisfied with regard to genuineness <sup>of the</sup> status of the applicant, we have no option but to direct the authorities to consider the case of the applicant in order to offer him a job in the light of their policy decision. Since this matter has already been delayed, we hope and trust that the Respondents should consider the matter as expeditiously as possible, preferably, within a period of 120 days from the date of receipt of copies of this order for the purpose of offering him a job.

The O.A. accordingly succeeds. No costs.

  
VICE-CHAIRMAN 293

  
MEMBER (JUDICIAL)