

NOTES OF THE REGISTRY

ORDERS OF THE TRIBUNAL

Or. Dr. 8.1.04

Reply to my And
Or. Dr. 8.1.04
order, copy sent
for Admission &
final hearing.

Or. Dr. 10.02.04

Ans. Rej. Order
files.
For Admission/
final hearing.

Ans. Rej. Order
files.

Or. Dr. 3.3.04

Ans. Rej. Order
files, copy sent.
For Admission
and final hearing.

Ans. Rej. Order
files.

Or. Dr. 25.03.04

Copies of order
repaired for counsel
or 5th side.

Ans. Rej. Order
files.

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
officer
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 Santala 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 lesers 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 Lesers. 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

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~~ ^{decree} with regard to his adoption from the family of Samanta from the year 1978. This ~~degree~~ 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 concealed 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 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."

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 ~~by~~ the objections raised by the Respondents, as aforesaid. 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, ~~and/or~~ ^{to} 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 standing in the way of offering relief to the applicant, as per the policy of the Government.

Having regard to the facts and circumstances

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of the case and as the District authorities are also
not satisfied with regard to genuineness ^{of} 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)