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# Central Administrative Tribunal

HYDERABAD BENCH : AT HYDERABAD

O.A. No. 679 of 1989

Date of Decision : 5.9.1990

~~TxAxNo.~~

Mr. Kandi Malla Narasimha Rao Petitioner.

Mr. P. Satgaraja Babu Advocate for the  
petitioner (s)

Versus

The Admve. Officer, Heavy Water Project, Respondent.  
~~Manuguru and 2 others~~

Mr. Naram Bhaskar Rao, Addl. CGSC. Advocate for the  
Mr. Panduranga Reddy, Spl. Counsel for Respondent (s)  
the state of Andhra Pradesh.

CORAM :

THE HON'BLE MR. B.N. Jayasimha, Vice Chairman

THE HON'BLE MR. D. Surya Rao, Member (Judl.)

1. Whether Reporters of local papers may be allowed to see the Judgement? *N*
2. To be referred to the Reporter or not? *N*
3. Whether their Lordships wish to see the fair copy of the Judgment? *N*
4. Whether it needs to be circulated to other Benches of the Tribunal? *N*
5. Remarks of Vice Chairman on columns 1, 2, 4  
(To be submitted to Hon'ble Vice Chairman where he is not on the Bench)

*bns*  
HBNJ

*HDSR*  
HDSR

ORIGINAL APPLICATION NO.679 of 1989

DATE OF ORDER: 5th September, 1990.

BETWEEN:

Mr. KANDI MALLA NARASIMHA RAO .. Applicant

and

1. The Administrative Officer,  
Heavy Water Project,  
Dept. of Atomic Energy,  
Manuguru 507117
2. The District Collector,  
Khammam.
3. The Sub Collector, Kothagudem,  
Khammam District. .. Respondents

FOR APPLICANT : Mr. P.Satyaraja Babu, Advocate

FOR RESPONDENTS : Mr. Naram Bhaskar Rao, Addl. CGSC for R-1.  
Mr. Panduranga Reddy, Spl.Counsel for the  
State of Andhra Pradesh  
(for R 2 and 3).

CORAM: Hon'ble Shri B.N.Jayasimha, Vice Chairman  
Hon'ble Shri D.Surya Rao, Member (Judl.)

JUDGMENT OF THE DIVISION BENCH DELIVERED BY THE HON'BLE  
SHRI D.SURYA RAO, MEMBER(JUDL.)

The applicant herein claims that his father-in-law's lands were acquired by the Heavy Water Project, Manuguru, Khammam District. He is a Graduate in Arts and also passed Typewriting Lower Grade examination. He contends that he is eligible for an appointment on the principle that the respondents had agreed to provide a job for one family member

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from among the families whose lands were acquired for the Project. He states that he has been nominated by his father-in-law. Consequently, he was called for a written test for the post of Upper Division Clerk on 26.4.1987 by a letter dated 14.4.1987. He appeared for the said test but <sup>has not</sup> not received any order till to-day. The applicant submits that he was also called for a written test by a letter dated 19.1.1989 and also undergone training classes conducted by the 1st respondent. He states that he is entitled to appointment as Lower Division Clerk or equivalent. Since he has not been given any appointment, he filed the present application. He seeks a direction to the respondents to provide him a suitable appointment in Heavy Water Project, Manuguru in accordance with the terms stipulated in the agreement/documents between the respondents and the land losers.

2. On behalf of the respondents, a counter has been filed denying that the respondents are liable to provide any job to the applicant. It is stated that only a son/daughter of the land loser is entitled to such an employment as a right. It is further stated that the Collector, Khammam has issued instructions directing the Revenue authorities not to issue land loser certificate for persons other than ~~the~~ legal heirs i.e., son/daughter. It is admitted that the applicant was called for the written test for the post of Upper Division Clerk but it is stated that he did not qualify even according to the relaxed standards in the written test. Thereafter, training classes were conducted to enable the nominees of the land losers and candidates like the applicant who do not come within the definition of the family to qualify themselves for the post of Lower Division Clerk. Thereafter, the applicant was called for

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a written test on 29.1.1989 for the post of Lower Division Clerk. Since the applicant came out successful, he was interviewed on 18.8.1989. However, since the applicant crossed 25 years of age, the respondents are approaching the competent authority to relax the age limit. It is stated that <sup>since</sup> the relief sought is subject to relaxation of age limit by the competent authority, no final decision could be conveyed to the applicant. The applicant in the meanwhile approached the Tribunal.

3. We have heard the learned counsel for the applicant, Shri P.Satyaraja Babu; the learned counsel for the 1st respondent, Shri Naram Bhaskar Rao, Addl. CGSC and the learned counsel for the 2nd and 3rd respondents, Shri Panduranga Reddy, Special Counsel for the State of Andhra Pradesh. Shri Panduranga Reddy contends that the 2nd and 3rd respondents have unnecessarily been impleaded as party respondents. It is clear from the averments made in the application and in the counter that the applicant is not eligible for the post of Upper Division Clerk in the 1st respondent's organisation since he did not qualify in the written test. It is also clear that the applicant was qualified himself for the post of Lower Division Clerk. The only impediment for being offered an appointment is the required age relaxation. It is also clear that the applicant had been selected as long back as in 1989 and the age relaxation has not yet been given to him. It is inherent in the scheme of providing employment to Members of the families of the land losers that age relaxation has to be given. In the circumstances, the respondents

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are directed to offer an appointment to the applicant in <sup>the</sup> ~~the~~ next vacancy which arises for the post of Lower Division Clerk. The application is accordingly disposed of. There will be no order as to costs.

(Dictated in the open Court).

*B.N. Jayasimha*  
(B.N. JAYASIMHA)  
Vice Chairman

*D. Surya Rao*  
(D. SURYA RAO)  
Member (Judl.)

Dated: 5th September, 1990.

*A. J. Reddy* nklaw;  
Deputy Registrar (Judl)

To

1. The Administrative Officer,  
Heavy Water Project,  
Dept. of Atomic Energy, Manuguru 507 117.
2. The District Collector, Khammam.
3. The Sub Collector, Kothagudem, Khammam Dist.
4. One copy to Mr. P. Satyaraja Babu, Advocate, <sup>H.No. 2-2-647/182 - H. Sharada Nagar, Central Excise Colony, Ekampal, Abar, post, Hyd-13.</sup>
5. One copy to Mr. N. Bhaskar Rao, Addl. CGSC for R.1. CAT. Hyd-
6. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for the State of A.P. ( for R2 and R3).
7. One spare copy.

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