

(30)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH  
AT HYDERABAD

O.A.No.546/90

Date of Order: 30.12.93

BETWEEN :

1. Chennaiah
2. C.Nadamuni
3. K.Subramanyam

.. Applicants.

A N D

1. General Manager,  
S.C.Rly., Secunderabad.
2. Dy. CME, Carriage Repair Shop,  
Settipally, Post,  
Tirupathi  
Chittoor Dist.

.. Respondents.

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Counsel for the Applicants

.. Mr.K.Sudhakar Reddy

Counsel for the Respondents

.. Mr.N.V.Ramana

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CORAM:

HON'BLE MR.JUSTICE V.NEELADRI RAO : VICE-CHAIRMAN

HON'BLE MR.R.RANGARAJAN : MEMBER (ADMN.)

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TSR

OA.546/90

Judgement

( As per Hon. Mr. Justice V. Neeladri Rao, Vice Chairman )

Heard Sri K. Sudhakara Reddy, learned counsel for the applicants and Sri N.V. Ramana, learned counsel for the respondents.

2. This OA was filed praying for a direction to the respondents to issue appointment order to all the applicants. Eventhough a single OA was filed by all the three applicants it is necessary to consider the case of each of the applicants separately in view of the merits of the case. First we deal with regard to the first applicant.

The first applicant Sri N. Chengaiah :

He is the daughter's son of Smt. Jalle Pedda Munemma. An extent of one acre 70 cents in Settipalli village belonging to the said Munemma was acquired for ~~Wagon Work~~  
~~shop~~ at Carriage Repair Shop, (CRS), Tirupathi. The respondents agreed to give job to either the land displaced persons or the spouse, son or daughter of the land displaced persons, as such land displaced persons were divested of ~~an old~~ attendant yielding income. When the first applicant made a representation requesting appointment <sup>under</sup> ~~in~~ the <sup>said</sup> same scheme, His representation was rejected on the ground that he does not come under the category referred to under the scheme.

3. It is now contended that the first instalment of compensation amount was paid to Smt. Munemma that is the land holder and the balance of compensation amount was paid to the mother of the first applicant. It is also contended ~~alleged~~ for the first applicant herein that his maternal grandmother executed a will in 1976 bequeathing the land acquired

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also, to the mother of the first applicant. Sri K. Sudhakar Reddy, learned counsel for the applicants contended that as the will was executed long before the acquisition and as the balance of the compensation amount was paid to the mother of the first applicant, she as the mother of the first applicant had to be held as the land holder for the purpose of the scheme, and as the first applicant is ~~her son~~, <sup>he</sup> is entitled to the job as per the scheme.

4. But there is fallacy in the above contention. The ~~legatee~~ acquires right only on the death of testator / testatrix. Admittedly, in this case, the land was acquired long before the death of the testatrix, that is maternal grand-mother of the first applicant. Thus, the mother of the first applicant is not the land holder by the date of acquisition. It is not a case of divesting of any property so far as the mother of the first applicant is concerned. On the other hand, she got the balance of the compensation amount as the ~~heir~~, <sup>legatee</sup>. Thus, even if the object of providing job under the scheme is taken into consideration, it is not a case where the first applicant or his mother or any member of his family had to be given a job.

5. The second applicant Sri C. Nadamuni

The second applicant is the son-in-law of the daughter of Smt. Namala Sidda Munemma. An extent of 64 cents of the said Sidda Munemma was acquired for Carriage Repair Shop at Tirupathi. In this case also the land was acquired even before the death of Sidda Munemma. For the reasons stated in regard to the first applicant, the second applicant is also not entitled for any job under the scheme referred to.

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Copy to:-

1. General Manager, S.C.Railway, Secunderabad.
2. Dy. CME, Carriage Repair Shop, Settipally, Post, Tirupathi, Chittoor Dist.
3. One copy to Sri. K.Sudhakar Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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part 94

Rsm/-

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6. The third applicant Sri K. Subramanyam

An extant of 89 cents in S.No.20/117 in Settipalli village belonging to late Sri K. Chenna Subbaiah, was acquired for the Carriage Repair Shop <sup>at</sup> Tirupathi. He is the paternal grand-father of the third applicant herein. It is contended for the third applicant that the land acquired belongs to the joint family, of which the third applicant is one of the members. It was not so pleaded. Hence, we feel <sup>it proper</sup> to pass the following order in regard to the third applicant : -

The applicant, if so advised, <sup>may</sup> make a representation to MRO, Tirupathi Urban, giving details and if such representation is given alongwith copy of this order by 15-2-1994, the said MRO has to inquire as to whether the extant of 89 cents in S/20/117 in Settipalli village in the name of Sri K. Chenna Subbaiah, which was acquired for Carriage Repair Shop at Tirupathi, belongs to the joint family of which the third applicant is member, and if so he is to forward the name of the third applicant to R-2 for consideration for providing job for land displaced persons.

7. The OA is ordered accordingly in regard to the third applicant and it is dismissed in regard to first and the second applicants. No costs.

  
(R. Rangarajan)  
Member (Admn)

  
(V. Neeladri Rao)  
Vice-Chairman

Dated : December 30, 93  
Dictated in the Open Court

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*Amritan 10294*  
Dy. Registrar (Jd. & Cc)

*contd... 5/-*

O.A.546/90

TYPED BY

COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH : HYDERABAD

THE HON'BLE MR.JUSTICE V.NEELADRI RAO  
VICE-CHAIRMAN

AND

THE HON'BLE MR.A.B.GORTHI : MEMBER(A)

AND

THE HON'BLE MR.T.CHANDRASEKHAR REDDY  
MEMBER(J)

AND

THE HON'BLE MR.R.RANGARAJAN : MEMBER(A)

Dated: 30/12/1993

ORDER/JUDGMENT:

M.A/R.A/C.A.NO.

O.A.No.

546/90

T.A.No.

(W.R.)

Admitted and Interim directions  
issued.

Allowed.

Disposed of with directions.

Dismissed.

Dismissed as withdrawn.

Dismissed for default.

Rejected/Ordered.

No order as to costs.

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