

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

DA No.948/90.

Dt. of Order:22-7-93.

1. K.Srinivasulu
2. K.Haresh

....Applicants

vs.

1. The Railway Board, rep. by its Chairman,
Rail Bhavan, New Delhi.
2. The Chief Personnel Officer, SC Railway,
Secunderabad.
3. The Dy.Chief Mechanical Engineer (P),
Carriage Repair Shop, Settipalli,
Tirupati.

....Respondents

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Counsel for the Applicant : Shri P.Krishna Reddy

Counsel for the Respondents : Shri N.V.Ramana, SC for Rlys

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CORAM:

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

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

(Order of the Divn. Bench passed by Hon'ble
Shri A.B.Gorthi, Member (A)).

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Applicant No.1 Mr.K.Srinivasulu, who is a person
whose land has been acquired by the Railways. Appli-
cant No.2 Mr.K.Haresh, is the nephew (brother's son)
of Applicant No.1. The prayer of the applicant No.2
is that he should be given employment by the Respon-

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dents in accordance with the scheme for appointment to Group C & D posts in the Railways to Members of families ~~displaced~~ as a result of acquisition of land for establishment of projects.

2. The father of the 2nd applicant died and he was therefore brought up by his uncle, applicant No.1. There were no separate properties for the applicant No.1 and second applicant's father. The properties of the family were acquired and Rs.30,742-95 ps was paid towards compensation. On 12-7-85 Respondent No.1 i.e. the Dy. Chief Mechanical Engineer (P), Carriage Repair Shop, Tirupati, published an employment notice calling for applications from displaced persons or their son/daughter/wife/husband for employment against certain posts. Applicant No.2 submitted his application on 22-3-85 ~~forwarding~~ there-with the required certificates. The Respondents however refused to give him appointment. Aggrieved by the same this O.A. has been filed.

3. The contention of the applicant is that initially as per the Railway Board letter dt.31-12-82 addressed to all the General Managers, besides displaced persons their son/daughter/ward/wife/husband are eligible for employment by way of preferential treatment. As applicant No.2 claims himself to be the ward of the

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first applicant their contention ^{to} that the respondents are not justified in denying employment to second applicant.

4. The applicants have further stated that a committee of officials, both civil and Railways, ^{met} meet on 4-7-83 and finalised the list of 145 families of displaced persons whose son/daughter/wife etc., are eligible for employment with the Railways (in Railway Carriage Repair Workshop, Tirupathi). Based on the said decision applicant No.2 was sent for Technical Training for a period of two years from August, 1984 to July, 1986. The second applicant is therefore eligible and entitled to be employed under the Respondents.

5. The Respondents in their counter affidavit have clarified that although initially a ward of displaced person was eligible for employment under the scheme, subsequently the matter was clarified in 1988 to the effect that the scheme was intended only for son/daughter etc., of displaced persons and not to the wards. Moreover when the applicant applied for the job on 28-8-85 he was not qualified for the job. ^{for} the employment notice dt. 12-7-85 was issued not only he was merely a student of I.T.I. but ^{he} was also under aged, being 17 and half years old. The Respondents further contends that the benefit under the scheme was meant to be ex-

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tended for a period of two years only from the date of land acquisition and not beyond, as laid down clearly in the Railway Board letter dt.31-12-82 (para-3).

5. At the very outset, we have to examine whether the applicant No.2 is a ward of Applicant No.1 and if so he is eligible for employment under the scheme. As per Venkatramaiah's Law Laxicon the term ward has been explained as under :-

Ward has been defined in section 4(3) as "a minor for whose person or property there is a guardian". This definition is wide enough to include every minor who has a guardian ^{who} may not be appointed under the Act.

6. A careful perusal of the Original Application and its contentions would show that there is nothing tangible to establish that applicant No.2 ~~will~~ ^{has} come under the guardianship of applicant No.1. The mere fact that the father of the applicant No.2 died does not by itself make applicant No.1 the guardian of applicant No.2, whose mother is alive. Although we are not satisfied that the applicant No.2 would come within the meaning of ward, we need not place too much emphasis on this ground because we find that the applicant No.2 would be ineligible for the reasons stated ^{for appointment}.

in the subsequent paragraphs.

7. At the very outset it will be seen from the Railway Board policy letter dt.31-12-85 which is an annexure to the D.A. itself that the benefit under the scheme was to be utilised within the period of two years after the acquisition of land. In the instant case admittedly the land was acquired in 1981 and compensation was paid in 1983. But the applicant No.2 not even ~~was~~ eligible for employment under the Railways when he applied ~~for~~ to the job on 28-8-85. He cannot therefore strictly in terms of Railway Board letter aforesaid claim the benefit of employment under the scheme meant for land displaced persons and their son/daughter etc.,. Another aspect brought out by the Respondents is that as per the application submitted by the Applicant No.2 it would be evident that he was, at the time, applying for the job, a student of I.T.I. aged about $17\frac{1}{2}$ years. Accordingly he would not be eligible, in response to the employment notice dt.12-7-85 wherein age limit stipulated ~~as~~ ^{was} ^{year} 18--25 and required educational qualifications has been laid down. In view of the above we find that the Respondents cannot be said to have acted either irregularly or improperly in denying employment

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to second applicant under them. The application is therefore dismissed. There shall be no order as to costs.

T.C.R.

(T.CHANDRASEKHAR REDDY)
Member (J)

A.B.GORTHI

Member (A)

Dated : 22nd July, 1993.
Dictated in Open Court.

82/7/83
Deputy Registrar (J)

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To

1. The Chairman, Railway Board, Railbhan, New Delhi.
2. The Chief Personnel Officer, S.C.Rly, Secunderabad.
3. The Deputy Chief Mechanical Engineer (P) Carriage Repair Shop, Settipalli, Tirupati.
4. One copy to Mr.P.Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.N.V.Ramana, SC for Rlys. CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

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IN THE CAT. TTD. BENCH. HQD.

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The Hon'ble Mr. A. B. Giorgi: M (A)

And.

The Hon'ble Mr. T. Chandrasekhar Reddy
M (T) -

Dated: 22/7/93.

Judgment.

OA No. 948/90:

OA Dismissed.

No. Costs

DAW

