OA.331/91   date of decision : 23-7-1993

Between

M. Sathaiah   : Applicant

and

The General Manager
Ordnance Factory Project
Min. of Defence, Govt. of India
Yeddumailaram village
District Medak (AP)   : Respondent

Counsel for the applicant   : Y. Suryanarayana
                                Advocate

Counsel for the respondent   : N.V. Ramana, Addl. SC
                                for Central Government

CORAM :

HON. MR. JUSTICE V. NEELADRI RAO, VICE CHAIRMAN

HON. MR. P.T. THIRUVENGADAM, MEMBER (ADMN.)

Judgement

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

Heard Sri Meherchand Nori, for Sri Y. Suryanarayana,
learned counsel for the applicant and Sri V. Rajeswara Rao,
learned counsel for the respondent.

2.   The applicant's father is Sri Pentaiah and the applicant's
paternal grand father is Sri K. Veeraiah. The patta land of
Sri Veeraiah in Yeddumailaram (Survey No.80,264) and the
patta land of Sri Pentaiah (Survey No.219) in Indra Karan
village were acquired for Ordnance Factory at Yeddumailaram.
As per the scheme formulated, one job for one family member of
each displaced family is allowed, It is not controversy that

Sri Kistaiah, brother of the applicant herein was provided job under the said scheme.

3.   But the learned counsel for the applicant urged as under :-

Sri Kistaiah the brother of the applicant was provided with a job in regard to the acquisition of land of their grand father in Yeddumailaram and the applicant is claiming job on the basis of the acquisition of the land of his father in Indra Karan Village. Even in the para-5 of the supplementary counter filed for the respondents it was stated that the respondent fairly "had been admitting to admitted about providing provide one job to one eligible member from each LDP patta". LDP means land displaced persons.

4.   It had to be noticed that the spirit of the scheme is to provide job to one of the members of the family, the land of which is acquired for the factory. It may happen that more than one patta land of the same family might have been acquired for the said purpose and in fact it is so acquired from the family of applicant, for it is stated that the applicant, his brother and their father and their paternal grand father are members of a joint family and there is no division of property amongst them. Hence the allegations in para 5 of the supplementary counter have to be read by keeping in view the underlined spirit of the scheme. If it is so done, it had to be stated that irrespective of number of pattas belonging to the family in regard to the land acquired, only one job has to be provided. As Sri Narayan, the brother of the applicant was already given the job under the said scheme, the respondent is justified in refusing to provide job to the applicant under the scheme.

5.   But we will make it clear that in case the applicant is eligible and selected in direct recruit quota, which is open to all, he had to be appointed.

6.   Accordingly, the OA is dismissed.   No costs.

(P.T. THIRUVENGADAM)
Member(Admn.)

(V. NEELADRI RAO)
Vice-Chairman

Dated : July 23, 93
Dictated in the Open Court

Deputy Registrar(J)

To

1. The General Manager, Ordnance Factory Project
   Ministry of Defence, Govt.of India,
   Yeddumailaram village
       Medak Dist.(A.P)

2. One copy to Mr.Y.Suryanarayana, Advocate, CAT.Hyd.

3. One copy to Mr.N.V.Ramana, Addl.CGSC.CAT.Hyd.

4. One copy to Mr.Library, CAT.Hyd.

5. One spare copy.

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

AND

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

AND

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

AND

THE HON'BLE MR.P.T.THIRUVENGADAM:M(A)

Dated: 23- 7 -1993

ORDER/JUDGMENT:

M.A/R.A/C.A.N.

O.A.No. 331|91 in

T.A.No.   (W.P.   )

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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