

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No. 967/91

Date of Order: 22.12.94

BETWEEN :

1. T.Guravaiah
2. T.Ugandhar
3. V.Chenchaiah
4. P.Subramanyam
5. K.Munaiah
6. K.Muneswara Rao
7. T.Bathaiah
8. M.Muni Redaiah
9. K.Sadasiva Reddy
10. S.Chenchaiah
11. T.Ramaiah
12. C.Subbaiah

.. Applicants.

A N D

1. General Manager, South Central
Railway, Secunderabad.
2. Deputy Chief Mechanical
Engineer, Carriage Repair Shop,
Sattipally Post, Tirupathi,
(Chittoor Dist.) A.P.

.. Respondents:

- - -

Counsel for the Applicants

.. Mr.K.Sudhakar Reddy

Counsel for the Respondents

.. Mr.N.V.Ramana

- - -

CORAM:

HON'BLE SHRI A.V.HARIDASAN : MEMBER (JUDL.)

HON'BLE SHRI A.B.GORTHY : MEMBER (ADMN.)

- - -

O.A.No.967/91

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X As per Hon'ble Shri A.V.Haridasan, Member(Judl.) X

- - -

The applicants are the members of the families from whose ~~possession~~ ~~land~~ ~~was~~ acquired for establishment of Railway Carriage Repair Work Shop, Tirupati. They have filed this application praying for a direction to the respondents to consider their case for appointment to Group 'D' post on the basis of the understanding to provide a job for each member of a family whose land was ~~acquired~~ at the time of acquisition. It is alleged in the application that though several persons similarly situated like the applicants having been appointed the respondents have not considered their case when a notification was issued calling for applications from general candidates for appointment to Group 'D' post, this application has been filed challenging the above notification and also for a direction to the respondents to consider the ~~applicant~~ ~~for~~ appointment.

2. Respondents in their reply ~~have raised various~~ contentions. It has been contended that some of the applicants did not satisfy the educational qualifications prescribed for Group 'D' post that many of them had not applied in time and that some of the applicants had not even made application for the benefit of appointment in the land displaced quota. The respondents have produced Annexure R-4 in which the reasons for not considering the case of the applicants have been mentioned.

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3. When the application came up for the final hearing today Sri K.Sudhakar Reddy, learned counsel for the applicant submitted that the applicants 1 and 12 are not pressing their claim for appointment and that in respect of T.Ugandhar applicant No.2, Though he had claimed appointment on the basis that land belonging to Mangamma his grandmother had been acquired ^{he is} even otherwise eligible for the benefit as the land belonging to his father T.Changaiah was also acquired. In proof of this learned counsel for the applicant made available for our perusal the copy of the certificate issued by the Sub-Collector, Tirupati which shows that land belonging to T.Chengaiiah the father of T.Ugandhar had also been acquired. It is ture that some of the applicants had not actually putforth their claim/for appointment but claims were made ~~on~~ behalf of other members of their family. Now that the other members of the family are not claiming appointment in the land displaced quota in view of the fact that the land belonging to the family of all these applicants ~~had been~~ ^{all} acquired, the counsel ~~argues~~ ^{argues} that the applicants are entitled to claim the benefit.

4. We have heard learned counsel for both the parties. Though the land was acquired in 1981 and though the claim for appointment in land displaced quota should have been made much earlier, several cases of late applicants have been allowed by the Tribunal and some of them have been appointed also in the year ¹⁹⁹¹ 1991 in pursuance to the orders of this Tribunal in the land displaced quota. Though some of the applicants had not earlier made their

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South Central Railway,
Secunderabad.
2. Deputy Chief Mechanical Engineer,
Carriage Repair Shop, Sattipalli Post,
Tirupathi. (Chittoor District)
3. One copy to Mr.K.Sudhakar Reddy, Advocate, CAT, Hyderabad.
4. One copy to Mr.N.V.Ramana, Addl.CBSC, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

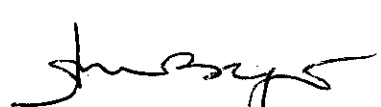
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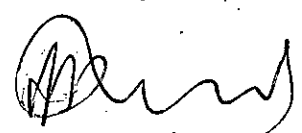
claim because other members of their family had claimed appointment since none from their families has so far been appointed. We are of the considered view that the respondents should consider the claim of the applicants for appointment to any post for which they^{are} educationally and otherwise qualified. When this was suggested to the counsel for the respondents the counsel fairly conceded that their claims would be considered though belated* on the basis of their eligibility subject to availability of the vacancies under the land displaced quota.

5. In the light of the submission made by the counsel at the bar we dispose of the application with the following declaration and directions:

1. The applicants 1 and 12 being no more interested in getting employment under the land displaced quota they will not be entitled to any claims.
2. In regard to the claim of the applicants other than Nos. 1 and 12 the respondents are directed to consider them for appointment to any post in Group 'D' for which they are educationally and in other respects eligible and suitable in their turn.

No order as to costs.

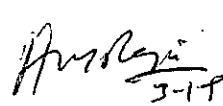

(A.B. GORTHI)
Member (Admn.)


(A.V. HARIDASAN)
Member (Judl.)

Dated: 22nd December, 1994

(Dictated in Open Court)

sd


3-1-95
Deputy Registrar (J)

Contd....