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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A.No.102/92

Date of Order: 1.12.1993

BETWEEN:

1. P.Revathi
2. P.Nageswara Rao

.. Applicants.

A N D

1. General Manager, S.C.Rly.,
Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer,
S.C.Rly., Rail Nilayam,
Secunderabad.
3. The Dy.Chief Mechanical Engineer,
Guntupalli Wagon Workshop,
S.C.Rly., Guntupally,
Krishna Dist.

.. Respondents.

Counsel for the Applicant

.. Mr.P.Krishna Reddy

Counsel for the Respondents

.. Mr.V.Bhimanna

CORAM:

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

HON'BLE SHRI T.CHANDRASEKHARA REDDY (Judl.)

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Order of the Division Bench delivered by
Hon'ble Shri A.B.Gorthi, Member(Admn.).

This application was filed by P.Revathi (Applicant No.1) and P.Nageswara Rao (Applicant No.2) both the children of P.Ramakrishna Chowdary. Learned counsel for the applicants however stated that he would press for the claim in respect of applicant No.2 only and that this application be treated as filed by Applicant No.2 alone. The claim of the applicant is that the land acquired by his father having been taken over by the Railways, they are bound to consider his case for appointment in any suitable post in Guntapally Wagon Workshop, South Central Railway.

2. According to the applicant his father possessed 12 acres of land out of which land as per details shown below has been acquired by the Railways:-

<u>Village</u>	<u>Extent</u>	<u>Survey No.</u>
Guntupalli	6-34 cents	R.S.No. 49/2
Gudurupadu	0-89 cents	R.S.No. 72/1
	0-72 cents	R.S.No. 72/3
	2-18 cents	R.S.No. 72/1 and
	-----	72/3
	10-13 cents	

Thus out of 12 acres of land belonging to the applicant family 10 acres 13 cents of land was acquired by the Railways leaving only 1 acre 87 cents for the applicant family. In view of the Railway Board's policy & letter No.E(NG)II/82/RC/1/95 dated 31.12.1982/1.1.1983 which is a scheme for providing jobs to the sons/wards etc. of persons whose land has been acquired by the Railway

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the applicant is entitled to be considered for a suitable post under the respondents organisation. Despite representations from the father of the applicant, the respondents did not consider the case of the applicant for any job in the railways.

3. The respondents in their counter affidavit have contended that only 0.89 cents of land under Survey No. 72/1-B1 and 0.72 cents under Survey No. 72/3-B1 belonging to P. Ramakrishna Chowdary i.e. the father of the applicant was acquired by the railways. So far as the details of the land under the other survey numbers, the respondents contend that the said land on the Survey No. 49/2 belongs to Pedarla Venkata Rattaiah and not to the father of the applicant. As per the policy governing the subject of providing jobs to the wards of the land losers, the land losers ^{should} who have surrendered at least 2 acres of land or ^{50%} ~~15%~~ of land in his position so as to be entitled his son/wards to claim appointment under the respondents. As, according to the respondents, the land acquired from the father of the applicant is only 1 acre 61 cents and ^{that} ~~that~~ as the applicant's family was still left with 1 acre 87 cents the applicant is not entitled to claim any job under the respondents.

4. The controversy in this case seems to ^{hinge upon} ~~the~~ question whether P. Ramakrishna Chowdary and P. Venkata Rattaiah are one and the same person. According to the applicant it is so and in support of his contention learned counsel for the applicant has drawn our attention to Original Petition No. 222/79 filed in the Subordinate Court of Vijayawada wherein it was shown that the petition

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therein was P.Venkata Rathaiah alias P.Ramakrishna Chowdary
In the ^{body of the 2} petition also it is stated that the petitioner in
O.P.222/75 possessed 6 acres 14 cents of land under Survey
No.49/2. This document would thus disclose that the land
under Survey No.49/2 measuring 6 acres 34 cents belonging
to P.Venkata Rattaiah alias P.Ramakrishna Chowdary. If
the version of the applicant is accepted, undoubtedly he
would be entitled to claim appointment under the respondents.

5. A careful examination of the counter affidavit
filed by the respondents would show that the averments
made on behalf of the applicant are sufficiently correct
except for the ownership of the land under Survey No.49/2
admeasuring 6 acres 14 cents which was acquired by the
railways. The respondents treated this land as belonging
to P.Venkata Rattaiah and not to the father of the applicant.
Even if it is presumed that the applicant's father owned
only the land specified in Survey Nos.72/1-B1 and 72/3-B1
then it would mean that the respondents have acquired the
entire land that was owned by the father of the applicant.
In that event also according to the policy laid down by
the railways the applicant would be entitled to claim of
appointment under the railways.

6. We are not prepared to accept the contention
of the respondents that the applicant's father was left
with 1 acre 87 cents of land. For this the respondents
seem to place reliance on the averments made in para 6(c)
of the OA itself. If the respondents consider that the
other pieces of land under different Survey No. did not
belong to the applicant's father then they have no reason-

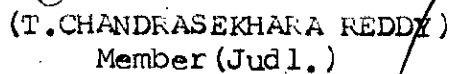
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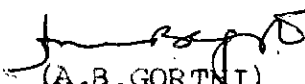
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nable justification to come to the conclusion that the father of the applicant was left with 1 acre 87 cents of land after the acquisition of the land by the railways.

7. Considering the case from any point of view it is apparent that the case of the applicant is squarely covered by the guidelines issued by the respondents for offering jobs to the sons/wards of the land losers. Accordingly we allow this application with a direction to the respondents to consider the case of the applicant for appointment in accordance with the extant scheme for providing jobs to the members of the families displaced as a result of acquisition of land.

8. Application is allowed in the above terms. There shall be no order as to costs.


(T. CHANDRASEKHARA REDDY)
Member (Judl.)


(A.B. GORTNI)
Member (Admn.)

Dated: 1st December, 1993

(Dictated in Open Court)


Deputy Registrar

To

1. The General Manager, S.C.Rly, Railnilayam, Secunderabad.
2. The Chief Personnel Officer, S.C.Rly, Railnilayam, Secunderabad.
3. The Deputy Chief Mechanical Engineer, Guntupalli Wagon Workshop, S.C.Rly, Guntupally, Krishna Dist.
4. One copy to Mr P.Krishna Reddy, Advocate, CAT.Hyd.
5. One copy to Mr.v.Bhimanna, SC for Rlys, CAT.Hyd.
6. One copy to Library, CAT.Hyd.
7. One spare copy.

pvm



URGENT

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: 1 - 12 - 1993

~~ORDER~~ JUDGMENT:

M.A./R.A./C.A. No.

in

O.A. No. 10292

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.

pvm

CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
3 DEC 1993
HYDERABAD BENCH