

(7)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL.: HYDERABAD BENCH
AT HYDERABAD

OA.1086/92

date of decision : 15-7-1993

Between

Narra Koteswar Rao

: Applicant

and

1. General Manager
South Central Railway
Rail Nilayam
Secunderabad

2. Chief Personnel Officer
South Central Railway
Rail Nilayam
Secunderabad

3. Dy. Chief Mechanical Engineer
Guntapalli Wagon Workshop
South Central Railway
Mylavaram Taluk, Krishna Dist.

: Respondents

Counsel for the applicant

: T.L.N. Chary
Advocate

Counsel for the respondents

: Francis D. Paul
SC for Railways

CORAM :

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

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

JUDGEMENT

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

Heard Sri T.L.N. Chary, learned counsel for the applicant and Sri Francis D. Paul, Standing Counsel for Railways.

2. The applicant pleads that his land admeasuring 36½ cents in R.S. No.90/1 situated in Guntupalli village was acquired by Railways for Wagon Workshop and hence he prays that he had to be given job as per the scheme formulated by Railway Board letter No.EE(WG)/II/32/RC-1/85 dated 21-12-1982/1-1-1983.

15/8/93

(72)

2. It is contended for the respondents that the extent of land of 1 acre and 73 cents in R.S.No.90/1 belong^{ing} to Narra Gangadhara Rao etc. was being acquired for the Wagon Repair Workshop at Guntupalli and as per the scheme referred to Sri Narra Gangadhara Rao was already provided job and hence the applicant cannot again claim that in regard to same acquisition he ^{he} could be provided with a job, for only one member of the family is given job in pursuance of the scheme. It is ~~for this~~ ^{further} submitted that even in 1981 when the applicant had requested for a job in pursuance of the scheme he was required to submit documentary evidence to show that his land also was acquired, and he had not produced any document in support of his claim.

3. Now the award dated 18-3-1975 is produced for the applicants ⁱⁿ Sl.No.41 and 42 in page 3 of the ^{said} award which ~~refers to the person or persons to whom the compensation is due~~, the names of ^{the} Gangadhara Rao and the applicant were referred to respectively and it further shows that they were paid the compensation amount equally. As the said order was passed in land acquisition proceedings for passing the award, the contention for the applicant that there was division of the land between him and his brother Sri Gangadhara Rao had to be believed.

4. In referring to the land acquired, the survey No.90/1 was shown as against Sri Narra Gangadhara Rao etc. ^{and} as name of the applicant was not specifically referred to. But on the basis of mere absence of mutation it cannot be stated that there could not have been any oral partition. Anyhow when the statutory authority already decided that the applicant and his brother were entitled to compensatory ^{ion} amount equally in regard to land which was acquired after

22/10/75

(93)

the death of their father, the contention for the applicant in regard to the partition has to be ^{accepted} ~~ascertained~~. The applicant applied for a job in Group-D. Hence the question of educational qualification does not arise. This Tribunal had given relaxation in regard to the date ^{by} ~~in~~ which the application has to be filed for seeking job under the scheme referred to. Hence, the question of delay does not arise.

5. In the result, the respondents are directed to provide a job to the applicant in Group-D in the direct recruit quota for land displaced persons. If some of the land displaced persons are not yet provided job under the scheme for want of vacancies, the applicant has to be given a job as and when his turn comes.

6. The OA is ordered accordingly. No costs.

P. T. Thiruvengadam

(P.T. Thiruvengadam)
Member (Admn.)

V. Neeladri Rao

(V. Neeladri Rao)
Vice-Chairman

dated : July 15, 1993
Dictated in the Open Court

Deputy Registrar (J)

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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, Guntapalli Wagon Workshop S.C.Rly, Mylavaram Taluk, Krishna Dist.
4. One copy to Mr. T.L.N. Chary, Advocate, 4-3-154/3 Hanuman Tekdi, Abids, Hyderabad.
5. One copy to Mr. Francis D. Paul SC for Rlys. CAT. Hyd.
6. One copy to Library, CAT. Hyd.
7. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD

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

AND

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

AND

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

AND

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

Dated : 15-7-1993

ORDER/JUDGMENT:

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

in

O.A.No.

1086/92

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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