

(6W)

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: :HYDERABAD BENCH:: AT HYD.

O.A. No. 1087/92.

Date: 7.9.1993

Between:

Cheruku Malli Hari Babu .. Applicant

And

1. General Manager, South Central Railway, Rail Nilayam, Sec'bad.
2. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad.
3. Deputy Chief Mechanical Engineer, Guntapalli Wagon Workshop, South Central Railway, Mylavaram Tq., Krishna Dist.

.. Respondents

APPEARANCE:

For the applicant : Sri T.L.N.Chary, Advocate

For the respondents : Sri D.Francis Paul, SC for Rly.

CORAM:

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

THE HON'BLE MR.P.T. THIRUVENGADAM, MEMBER (ADMN.)

[JUDGMENT OF THE BENCH AS PER HON'BLE SRI P.T.THIRUVENGADAM,
MEMBER (ADMN.)]

During the years 1974 to 1976 the land acquisition proceedings had taken place for construction of Wagon Project at Rayanapadu. After acquiring the lands it was decided to provide jobs to the land-losers who had surrendered lands for the construction of Wagon Project with a view to rehabilitate the evicted families due to acquisition of lands as per policy of the Government. As there were no guidelines

on the subject for providing jobs to the land-losers at the relevant time, the General Manager, South Central Railway, Secunderabad had prescribed certain norms for providing jobs to the land-losers. As per the said norms, the land owners who surrendered 50% of the land possessed or minimum 2 acres of land were to be given jobs and the last date for receipt of applications had been fixed as 31.3.1981.

2. The applicant in this O.A. has submitted that his father Ch.Seshagiri Rao surrendered landed property under Survey Number 217/2, to the Railway Authorities for the construction of Wagon Workshop Project, Guntupally. Accordingly, the applicant applied for employment under the scheme made out by the Railway Ministry for engaging members of families displaced as a result of acquisition of land for establishment of projects (as per details spelt out in Railway Board's letter No.E(NG)II/RC/1/95 dt. 31.12.82/1-1-83). This O.A. has been filed with a prayer that the respondents may be directed to appoint the applicant in a suitable post in the Railway Wagon Workshop as per the above letter.

3. It is the case of the respondents that the applicant is not entitled to claim for a job under the Land-losers quota for the following reasons:-

- (i) No land was acquired from the applicant's father for the Wagon Project at Rayanapadu either in R.S.No.217/2 or in any other Survey Number.
- (ii) The applicant never approached the respondents at any time earlier seeking for a job under land-losers quota.

(iii) The applicant has straightaway approached the Tribunal after a lapse of about 18 years from the time of acquisition of land in 1974.

(iv) The applicant's claim is barred by limitation.

4. With regard to the acquisition of land from the applicant's father a copy of the award order No.3/75 dt. 18.3.1975 issued by the Collector, Land Acquisition, Vijayawada was filed by the applicant. A reference is invited to para-54 of the above award order which reads as under:-

"R.S.No.217/2 Acs.0.40: The land stands registered in favour of Cherukumalli Seshagiri Rao son of Kotaiah under patta No.359. Actually, as per the state of things on ground Sri Cherukumalli Seshagiri Rao is in enjoyment only Ac.0.35 while the other Ac.0.05 is owned by Pati Banda Rambabu, Lakshmana Rao, Minors guardian father Achutha Ramarao, Sri Cherukumalli Seshagiri Rao purchased the land from Garapati Anasuyamma under Registered sale-deed No.869 dt. 24.6.1948. He is in possession of his share of land since 1948. The enjoyers in this field i.e. "Patibandla Rambabu and "Lakshmana- rao being minors, guardian and after Achuta Rama Rao did not attend the award enquiry. Hence the amount of compensation due in R.S.No.217/2 is ordered to be deposited in Civil Court under sec. 31(2)."

This was not disputed by the respondents. Accordingly, it is established that the applicant's father had surrendered some land to the Railway authorities.

(b) 7X

5. It is the case of the ~~the~~ applicant that the respondents had not imposed any condition with regard to cut-off date for entertaining applications for jobs from land displaced persons at the time of acquisition of lands from various parties. Hence restraining him at this stage may not be proper. ~~(1)~~ T.A.No.677 of 1986 and O.A. No.765 of 1988 had been filed before this Bench in similar cases. Therein, the applicants had also applied for jobs under land-losers quota after the cut-off date of 31.3.1981.

Wherein,

6. The case of the applicants was that they had not attained majority as on the cut-off date and had applied for the job as and when they attained majority. They also referred to some cases where the respondents themselves had gone much beyond the cut-off date. T.A.No.677/86 and ~~O.A.~~ O.A.No.765/88 were allowed by this Bench. ~~In~~ O.A.No.765/88 where the order was passed on 18.7.1990, the following observations were made:-

We agree with the respondents that the question cannot be kept open for all time to come. In the course of the hearing the respondents apprehended that if the applicants succeed in this case they may have to keep the gate open indefinitely. They were afraid that even persons who are infants at present, may, on attaining majority and acquiring suitable qualifications stage their claims for jobs on the quota system of one job per displaced family. Though this may be an extreme case such a possibility cannot be ruled out. We therefore give the Railways the liberty to indicate a fresh cut off date and notify it adequately. They may however note that the present situation is their own creation by departing from the guidelines leading to the judgments of this Tribunal to avoid discrimination.

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Copy to:-

1. General Manager, South Central Railway, Rail Nilayam, Sec'bad.
2. Chief Personnel Officer, South Central Railway, Rail Nilayam, Secunderabad. scb
3. Deputy Chief Mechanical Engineer, Guntapalli Wagon Workshop, South Central Railway, Mylavaram TQ., Krishna District.
4. One copy to T.L.N.Chary, advocate, 4-3-154/3, Hanuman Tekdi, Adjacent to Pragathi college, Hyd.
5. One copy to Sri. D.Francis Paul, SC for Rlys, CAT, Hyd.
6. One copy to Library, CAT, Hyd.
7. One spare copy.

Rsm/-

General post 17/1/91

If they want to succeed in their attempts with the new cut off date, they have to follow the cut off date strictly to avoid the type of situation they apprehend."

In this O.A. the applicant had submitted that no new cut-off date has been fixed by the railway authorities even after the Judgment in O.A.No.765/88. This has not been denied by the respondents in the counter filed by them. In the circumstances, we hold that the case of the applicant cannot be barred by limitation.

Accordingly, we direct the respondent to appoint the applicant as per the scheme evolved ^{for} providing jobs for members of the families who had been displaced in view of acquisition of ~~his~~ land for establishment of Guntupalli Wagon/ Workshop, keeping in view the qualifications of the applicant.

6. It is needless to add that the case of the applicant should be considered in his turn if similarly situated candidates from land losers quota are awaiting for appointment.

7. The O.A. is ordered accordingly. No costs.

P.J.Thiru

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

V.Neeladri Rao
(V.Neeladri Rao)
Vice-Chairman

Dated 7th Sep., 1993.

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COMPARED BY

APPROVED BY

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. GORTHY : MEMBER (A)

AND

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

AND

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

Dated:

7/9/1993

ORDER/JUDGMENT:

A/R.A/C.A.N.S.

No.

in
1087/92

No.

(W.P. _____)

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3/9/93

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