

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

O.A.No.15/1992.

Date of Decision:17.7.92.

Between:

Bakka Chandraiah .. Applicant
Vs.

1. The General Manager, Ordnance
Factory Project, Ministry of
Defence, Govt. of India,
Eddumailaram, Medak Dist. A.P.
2. The Dist. Collector,
Medak Dist. Govt. of A.P.,
Sangareddy, Medak Dist. A.P. .. Respondents

For the applicant : Sri ~~Meherchand~~ ~~Mori~~, Advocate
For the respondents : Sri N.R.Devaraj, Addl. CGSC (R-1)
Sri D. Panduranga Reddy, S.C. for AP
(R-2)

CORAM:

THE HON'BLE SRI R. BALASUBRAMANIAN, MEMBER (ADMN.)
THE HON'BLE SRI C. J. ROY, MEMBER (JUDL.)

.....

{ JUDGMENT OF THE BENCH AS PER HON'BLE SRI C.J. ROY, MEMBER (J) }

This application is filed under sec.19 of the Administra-
tive Tribunals Act,1985 with a prayer to direct the 1st respon-
dent to appoint the applicant to the post of Mali or to any
other post born on the cadre of the 1st respondent factory
as per his eligibility and qualifications under the Land
Displaced category and for passing such other^{order} or orders.

2. The facts of the case are that the applicant is a resident
of Indrakaran village in Medak Dist. The agricultural land
owned by him in Sy.No.212 of Indrakaran village was acquired
by the 2nd respondent for establishing the factory of 1st res-
pondent and that the said land was the only source of his live-
lihood. It is stated that the Govt. of India had assured all

the Land Displaced persons or their dependents would be provided Employment in the 1st respondent factory and the said Land Displaced persons or their dependents had registered their names with the Regional Employment Exchange, Sangareddy to enable the 1st respondent to appoint the said persons in various posts as and when vacancies arise. The applicant had registered his name on 22-2-1983 and that his land was acquired in 1982-83. It is also stated that a list of Land Displaced persons was prepared by the Dist. Revenue authorities and the same was forwarded to 1st respondent. The applicant was sent for training as Malis along with several similarly placed persons to A.P. Agricultural University, Fruit Research Station, Sangareddy, A.P. and was trained as Mali. A certificate was also awarded to him to that effect. The applicant stated that on 20-5-1986 a meeting of the officials of Medak Dist. Training & Employment organisation, hereinafter called as 'METEOR' and the representatives of 1st respondent factory was held, and in pursuance of the resolutions passed therein, the Dist. Employment Officer, Sangareddy was requested to sponsor the names of persons listed thereunder for appointment in the 1st respondent factory, and a copy of the said letter is endorsed to the applicant. It is the contention of the applicant that the 1st respondent agreed to appoint him and others for the respective posts for which they were trained and only wanted formal sponsorship from the Employment authorities as per rules. However, the name of the applicant was sponsored but allege that the applicant is not offered appointment in the 1st respondent factory. It is alleged that several persons similarly trained as applicant by the 'METEOR' were appointed in 1st respondent factory and some of them were juniors to the applicant and denial of appointment to him is arbitrary, illegal and violative of Articles of 14 and 16 of the Constitution of India. The present O.A. is filed aggrieved by the action of the respondents.

3. A counter has been filed on behalf of 1st respondent, denying the averments of the applicant. The facts, more or less admitted by the said respondent, but allege that the Central Government had not made any commitment for providing employment to Land Displaced persons, and in a meeting held on 20.5.82, the Central Govt. Representative had only stated that as far as possible providing employment opportunity to at least one member from each LDP patta will be considered subject to the candidates fulfilling qualifications prescribed for the post. It is stated that there were 491 pattas which were acquired by the 1st respondent factory and though there was no commitment on their part, it has been their effort to provide 491 jobs at the rate of one job for one patta. The respondent no.1 stated that in S.No.212 of Indrakaran village, land admeasuring Acs.1.11 acres belonging to patta of one Sri Bakka Venkaiah s/o Yellaiah and that the applicant's name is only shown as one of the dependents of the said patta-holder. It is also stated that one Sri Yeshaiah s/o Sri Yelliah was already given a job of Labourer on regular basis on 4.7.85 and therefore, the applicant does not have any claim or right for any job against Land Displaced Persons quota. It is their contention that they have no obligation to provide job to the applicant on that score. It is also stated that the applicant would not be denied employment as a general candidate. The applicant cannot be provided employment on the ground that he is entitled to be provided employment against Land Displaced Persons quota, as a dependent of the patta-holder was already given employment. It is also stated that the name of the applicant had been sponsored by the Employment Exchange against a requisition for 5 Mali posts, along with 15 others. Out of the sponsored 16 candidates, 12 were shown against LDP quota and 4 were in general candidates quota. It is also their contention

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that 11 persons shown against LDP quota are not eligible against the said vacancies, as 11 persons were already given employment under LDP quota. In total only one vacancy out of 5 vacancies has to be considered for one candidate under LDP quota and four vacancies are to be filled up from general candidates. It is also contended that the applicant is one among the 15 such candidates who has to compete for four vacancies as a general candidate. It is stated that in the meeting held on 20.5.1986 between METOR and the respondent herein it was indicated that as and when requirement of Mali arises in the respondent factory the candidates trained for this trade by them will be considered subject to their suitability. However, the respondent factory admits that the name of the applicant herein figured in the list of candidates sponsored by the Employment Authorities and that he will also be called along with other candidates for interview and also that subject to his suitability his candidature will be considered for the post of Mali. The respondent deny the allegation that several persons who were similarly trained by METOR for the post of Mali were appointed. The respondent deny the averments of the applicant and desire the O.A. be dismissed.

4. On behalf of 2nd respondent a counter has been filed more or less admitting the facts with regard to acquisition of land for 1st respondent factory and the list of land displaced persons including the applicant herein was furnished to the Employment Authorities, registration of the name of the applicant in the Employment Exchange etc. It is also admitted that a meeting was held on 20.5.86 between METEOR and 1st respondent factory wherein it was resolved that the trained land displaced persons may be sent to the Dist. Employment Officer to sponsor the names to the 1st respondent factory as and when requisitions are placed, and subsequently the name of the applicant was sponsored by letters dt. 30.12.85 and 8.1.86 and desire the O.A. be dismissed.

5. The applicant filed copy of representation dt. 2.6.90 addressed to 1st respondent factory for doing needful in the matter, copy ~~of the letter~~ addressed by the METEOR, Patancheru dt. 25.6.1986 to the Employment Officer, Sangareddy, Medak, and copy of the certificate dt. Nil issued by the A.P. Agricultural University certifying that the applicant was undergone training in plant propagation methods and in the work of Mali etc.

6. We heard Sri Meherchand Nori, learned counsel for the applicant and S/Sri N.R. Devaraj, learned standing Counsel for Central Govt., and Sri D. Pandu Ranga Reddy, learned Standing Counsel for A.P., and perused the records carefully.

7. In short, the question to be considered in this case is whether the applicant is entitled for the post of Mali under the L.D.Ps. quota. It is not disputed that the land to the extent of Acs. 1.11 cts. belonging to the applicant in Sy. No. 212 of Indrakaran village was acquired for the Ordnance Factory. It is the contention of the applicant that under the scheme, he should be appointed as Mali since he was sponsored by the employment exchange and also undergone training along with similarly placed persons. The applicant also alleged that he was promised a job and that he was not offered and appointed in any job. The onus ^{first} of the appointment under the above scheme is on the applicant, but the applicant has not filed before us any scheme, nor the respondents have filed any scheme. So we feel that the applicant has not discharged his onus.

8. Our attention is drawn to a notification issued which is Annex. II viz. Lr. No. Meteor/376/85-86 dt. 25-6-1986. It is a letter addressed to the District Employment Officer to sponsor the names of the candidates for three categories i.e. Telephone

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Operators, Malis and Medical Attendants. According to said letter, the number of candidates who had completed training at METEOR) were 31. It is further stated that in the said letter that the names to be sent to the Ordnance Factory for immediate absorption as and when vacancies arise. It is also specified that only trained candidates should be sponsored. Annex.III contained a certificate issued by the A.P. Agricultural University Fruit Research Station, Sangareddy that the applicant had undergone training.

9. It is contended by the respondents that an extent of Acs.1.11 cts. of land in Survey No.212 was acquired for the 2nd respondent factory. It is also argued before us that one person in their family was already appointed as casual labour and that the other members need not be appointed as the scheme is one post in a family for one acquisition. It is countered that the candidates sponsored by the Employment Exchange are not under the LDPs scheme, but under separate process unconnected with the scheme. In this case the casual labour who were appointed has permanently been engaged and the quota for the patta-holder of Survey No.212 is already over. In the counter, it is alleged that at the time of acquisition of the land for the factory, the Central Government has not made any commitment to provide employment for LDPs, but in a meeting held on 20-5-1982 a representative of Central Government stated that as far as possible providing employment to at least one member from one family for each pattedar will be considered subject to the fulfilment of the qualifications and suitability. Therefore the respondents contend that there is no assurance to provide an employment under the above said scheme as a matter of right. The respondents also stated that the factory was established in August, 1982 and the land of 491 pattas ^{was} acquired. Though, there was no commitment on their part, an effort was made to provide jobs for 491 candidates belonging to the family of patta holders. The land of the applicant is Acs.1.11 cts. and that i

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is the patta land of one Sri Bakka Venkaiah. The applicant is one of the dependents of Bakka Venkaiah. It is seen that there may be one patta number for entire land but there may be different pieces of lands also ^{in the same patta}. The applicant is only a dependent of Bakka Venkaiah. So, he does not have any claim or have any right even though it is not a commitment yet one person was already given employment as stated supra. So, the respondents have no duty or obligation to provide a job to the applicant herein. To counter this argument, no rejoinder is filed by the applicant, nor any scheme was shown to us, or any document stating that the ownership of the patta of Acs.1.11 cts. by the applicant or its certificate from the Revenue Authorities. Therefore, it is not possible to hold that there is a scheme ^{under which} ~~that~~ the applicant is entitled for appointment under the scheme and also that the applicant is owner of the Land. It is also stated ~~that~~ in the counter that there are only 5 vacancies of ^{posts} ~~Mali~~ to be filled-up and for that the Employment Exchange sponsored the candidates including the applicant herein to compete as a general candidate. Therefore, we hold that the applicant is not entitled for a post under LDPs quota. However, we direct the respondents to consider the case of the applicant as a general candidate ^{as per rule only.} With these observations, the application is disposed of with no order as to costs.

R. Balasubramanian
(R. Balasubramanian)
Member (A)

C. J. Roy
(C. J. Roy)
Member (J)

Date 17th July, 1992.

Deputy Registrar (J)

To grh.

1. The General Manager, Ordnance Factory Project, Ministry of Defence, Govt. of India, Eddumailaram, Medak Dist.
2. The Dist Collector, Medak Dist. Govt. of A.P. Sangareddy, Memdak Dist. A.P.
3. One copy to Mr. ^{Mehorchand} ~~Devrao~~ Advocate, CAT. Hyd.
4. One copy to Mr. N.R. Devraj, Addl. CGSC. CAT. Hyd.
5. One copy to Mr. D. Panduranga Reddy, Spl. Counsel for A.P. Govt. CAT.
6. One spare copy.

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TYPED BY

RM
20/7/92
COMPARED BY

CHECKED BY

APPROVED BY

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH.

THE HON'BLE MR.

AND

THE HON'BLE MR. R. BALASUBRAMANIAN : M(A) ✓

AND

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

AND

THE HON'BLE MR. C. J. ROY : MEMBER (J) ✓

Dated: 17-7-1992 ✓

~~ORDER~~ / JUDGMENT

P.A./C.A./M.A. No.

in

O.A. No.

15/92 ✓

T.A. No.

(W.P. No.)

Admitted and interim directions
issued

Allowed

Disposed of with directions ✓

Dismissed

Dismissed as withdrawn

Dismissed for default.

M.A. Ordered/Rejected.

No order as to costs.

pvm.

