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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL:: HYDERABAD BENCH

AT HYDERABAD

O.A.No. 17 of 1997

Between:

A.Sudhakar Reddy,
S/o Chandra Reddy,
Aged 26 years,

R/o Pashamailaram, Dist. Medak.

The address for service on the applicant is here.
AND of his counsel M/S X. Suryanarayana, Helar Chand N. Rao
and P. Naveen Rao, Advocates, 40-HB/A,
Mehdipatnam, Hyderabad.

Applicant

The General Manager,
Ordinance Factory project,
Ministry of Defence,
Government of India,
Eddumailaram, Dist. Medak.

..... Respondent

DETAILS OF APPLICATION:-

1. Particulars of the Order against which application is made:-

The applicant is aggrieved by the action of the respondent in not providing employment order the Land Displaced persons category and is ~~he~~ seeking for direction to consider his case forthwith.

2. Jurisdiction of the Tribunal:-

The applicant declares that the subject matter against which he wants redressal is within the Jurisdiction of the Tribunal under section 14(1) of Administrative Tribunals Act, 1985.

3. Limitation:-

The applicant declares that the subject matter of the O.A. is within the period of limitation prescribed in Section 21 of the A.T.Act, 1985.

4. FACTS OF THE CASE:-

a) The family of the applicant were assigned Government land in Survey No.185/1 to the extent of Ac.2.00 in Kyasaram village of Medak District for cultivation and enjoyment. In the year,1983 this land was acquired by the Government of Andhra Pradesh for the purpose of establishing Ordinance Factory. At the time of acquisition of lands of applicant and several others of his village and surrounding villages, the land displaced persons were assured to provide suitable employment in the Factory. Accordingly, the Revenue authorities in consultation with the Management of the Factory, prepared a list of Land Displaced persons(L.D.ps) and their dependents and directed them to register their names with the District Employment Exchange at Sangareddy. When this process was over a list of Land Displaced persons was kept with the Factory and candidates were called to appear for test/interview for several posts as and when vacancies were identified. However, to the best of knowledge and benefit of the applicant and other Land displaced persons no proper methodology is being adopted and selections and appointments are made arbitrarily at the whims of the Management of the Respondent Factory. The applicant is one such victim.

b) The applicant is a physically handicapped person and registered his name with the Employment exchange at Sangareddy in the year,1985 and his Registration No is 5950/85. The applicant got his name registered under the L.D.P.category. The Employment Card is renewed from time to time and is next

~~ix~~ renewal is due in June, 1992. The applicant was first considered for the post of Telephone Operator in the year, 1985 and was selected to undergo a three months training in the Office of the Divisional Engineer, Telecommunication, Sangareddy vide letter No.M/368/85 dated: 16-12-1985(Annexure-A) but the above said orders were cancelled in letter No.H/368/85 dated:- 30-12-1985(Annexure B) for the reasons best known to them. However, when the applicant protested against the said cancellation, he was assured to be provided with a suitable employment soon. The applicant was called for interview for the post of Mazdoor in Military Engineering service vide letter No.10118/453/EIB ~~for~~ dated: 17-7-1987(Annexure-C) but the applicant was not selected. The applicant was again called for Interview for the post of Canteen Vendors vide letter No.09122/ADMIN/OFFM dated: 25-9-1989(Annexure-D). The applicant attended to the interview on 6-10-1989 but after the interview the applicant was informed that as he is an handicapped person he cannot be considered for the post of Canteen Vendor though he was selected. This was highly arbitrary and inhuman on the part of the Management of the Respondent Factory. The applicant was once again assured to provide suitable employment. But ~~so~~ so far the applicant has not received any interview call, even the motions of calling for interview is also stopped. In the meantime several of the Juniors in the Employment seniority and in the L.D.P. list are being considered and appointed to several posts in the respondent Factory.

c) The respondent has no sympathy for the handicapped person like the applicant. There are several categories of posts which can be handled by physically handicapped persons

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but the respondent does not seem to have much concern and sympathy for the applicant. The predicament of the applicant is that the only source of income i.e. the cultivable land was acquired by the Government and being a handicapped person is is not free to do any other work.

d) The applicant having waited for an year hoping to get a call letter made a representation to the respondent in October, 1990 (Annexure-D). However, the applicant is not favour with any reply till date.

5. Grounds for relief with legal provisions:-

The action of the respondent in not appointing the applicant on compassionate grounds to any of the suitable posts born on the establishment of the respondent factory and appointing many of the Juniors to him in the employment registration and in the L.D.P. is highly arbitrary and unconstitutional. In view of the special selection, the applicant's case deserves to be considered on priority basis.

6. Details of Remedies exhausted.

As the applicant is not employed in the regular stream of employment of the Government of India, no departmental remedy is available to him. However he had made a representation on 29-10-1990 which is not responded by the respondent.

7. Matter not pending with any other Court:-

The applicant declares that he has not filed any application, writ petition or Suit regarding the same subject

matter and no application, writ petition or ~~§~~ Suit is pending before any other Court or Tribunal regarding the same subject matter.

8. MAIN RELIEF:-

It is therefore prayed that this Hon'ble Tribunal in the interest of justice be pleased to direct the respondent to consider the case of the applicant for appointment to any of the posts born on the cadre of the respondent factory forthwith and appoint him with all consequential benefits and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

9. INTERIM RELIEF:-

It is further prayed that this Honourable Tribunal in the interest of justice be pleased to direct the respondent to ~~can~~ consider the applicant for employment to any of the posts born on the establishment of the respondent factory pending disposal of the O.A. and pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

10. Particulars of the postal Order in respect of Application fee:-

- i) Number of Indian postal order: 432010
ii) Name of the issuing Post Office: C.P.O.
iii) Date of postal order: 7-1-1992
iv) Post Office at which payable: G.P.O. 250/-
LP.O. B.C. #D.D. / Remove

11. Details of Index:- An index in duplicate containing the details of documents to be quoted upon is enclosed.

-:- VERIFICATION -:-

I, A. Sudhakar Reddy, S/o Chandra Reddy, Aged 26 years, Resident of Pashamailaram, Dist. Medak, do hereby verify that that the contents from 1 to 11 are true to my personal knowledge and belief and I am not suppressed any material facts.

Place: Hyderabad

dt: 31-12-1991

To

The Registrar, .
Central Administrative Tribunal,
Hyderabad Bench, Hyderabad.

A. Sudhakar Reddy
(Signature of the Applicant)

M. Rao
(Counsel for Applicant)