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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH
HYDERABAD
O.A.NO.1468/94

Between: Date of Order: 19.12.95.

T.Jogendra Babu

...Applicant.

And

1. The General Manager,
South Central Railways,
Railnilayam,
Secunderabad.
2. The Chief Personnel Officer,
South Central Railway,
Hyderabad.
3. The Deputy Chief Mechanical Engineer,
Carriage Repair Work Shop,
South Central Railway,
Tirupathi.

Counsel for the Applicant : Mr.S.Kishore

Counsel for the Respondents : Mr.J.R.Gopal Rao, SC for Rlys.

CORAM:

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

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O.A.1468/94.

Dt. of Decision : 19-12-95.

ORDER

¶ As per Hon'ble Shri A.B. Gorthi, Member (Admn.) ¶

The applicant is the son of Shri Tella Gangaiah, whose lands admeasuring 0.84 cents in Survey No. 20/119 and 0.27 cents in Survey No. 20/71 situated at Settipalli Village ^{were acquired} by the respondents for the construction of Carriage Repair Workshop, Tirupathi. At the time of acquisition of land in 1985 the applicant was a minor aged about 12 years. Subsequently, he passed intermediate and also completed ITI Technical course. His request for appointment against the land loser quota has not met with any success. Hence this OA.

2. The respondents in their reply affidavit have refuted the claim of the applicant mainly on two grounds. Firstly, the respondents stated that as per extant instructions (Annexure R-1), para 2(3) request for appointment against the land losers quota should have been made within two years from the date of acquisition of the land. Secondly, the applicant filed a Writ Petition before the High Court of A.P. and obtained an interim direction to the respondents ^{to} conduct written test, but to with-hold the result. In view of the interim direction given by the High Court of A.P., the respondents contend that they cannot further process the case of the applicant, Although he was permitted to take the written examination as ordered by the court, the respondents have not conducted the same for the applicant. The applicant has stated that the applicant has since withdrawn the Writ Petition from the High Court and in support of the same he has

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shown me an order dated 10-10-1995 in W.P.No.6289/93 which is as under:-

"The learned counsel for the Petitioner Sri Saminani Kishore has filed a letter dated 26-09-95 seeking permission to withdraw the W.P.No.6289 of 1993 which relates to employment to displaced persons who have surrendered their lands for construction of carriage repair workshop. Learned counsel states in the said letter that the writ petition has become infructuous."

"Accordingly, the writ petition is permitted to be withdrawn and is hereby dismissed as infructuous".

In view of the above order of the High Court of A.P. there is no impediment in my passing an appropriate order in the OA that is before me.

3. As regards the delay in seeking appointment, the facts of the case clearly indicate that at the time of acquisition - ~~the~~ was only 12 years old. It is stated that the family had ~~not~~ ^{to consider} requested the authorities to consider giving ~~them~~ employment assistance~~as~~ and when one of the children grows up.

4. Learned counsel for the applicant has also referred to certain OAs filed in this Tribunal by similarly situated individuals. In several such cases ~~where~~ appropriate ~~the~~ were given to the respondents to consider the request for appointment against the land losers quota, although such requests were made beyond the period of two years from the date of ~~the~~.

5. In view of the afores-stated, I find that there is no justification for the respondents to ~~not~~ ~~the~~ case of the applicant merely on the ground that the request of the applicant was made rather late.

6. In the result, the OA is allowed with a direction to the respondents to process the case of the applicant further and based on his performance in the written test that was conducted by the respondents suitable employment be offered to the applicant against the land losers quota.

8. The OA is ordered accordingly. No costs.

A. B. Gorathi
(A. B. Gorathi)
Member (Admn.)

Dated : The 19th December 1995.
(Dictated in Open Court)

Anil Kumar
DEPUTY REGISTRAR(J)

To

1. The General Manager, South Central Railway.
2. The Chief Personnel Officer, South Central Railway, Hyderabad.
3. The Deputy Chief Mechanical Engineer, Carriage Repair Work Shop, South Central Railway, Tirupathi.
4. One copy to Mr. S. Kishore, Advocate, CAT, Hyderabad.
5. One copy to Library, CAT, Hyderabad.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD.

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

HON'BLE SHRI

ORDER/JUDGMENT

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

IN

O.A. NO. 1468/94.

ADMITTED AND INTERIM DIRECTIONS ISSUED
ALLOWED

DISPOSED OF WITH DIRECTIONS
DISMISSED

DISMISSED AS WITHDRAWN
ORDERED ^{OR} REJECTED

NO ORDER AS TO COSTS

* * *

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