

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

O.A.NO. 1363/95.

Date of Order: 25/3/96.

Between:

K.Pitchaiah

.. Applicant

and

1. Govt. of India, rep. by its Secretary,
Dept. of Atomic Energy, New Delhi.
2. The Chief Executive, Dept. of Atomic Energy,
Heavy Water Board, Bombay.
3. The Administrative Officer,
Heavy Water Project, Manuguru-17.

Respondents.

For the Applicant :- Mr. S. Ashok Anand Kumar, Advocate.

For the Respondents: Mr. V-Rajeswar Rao,
Ex./Add. CGSC

CORAM:

THE HON'BLE MR. JUSTICE M. G. CHAUDHARI : VICE-CHAIRMAN

THE HON'BLE MR. H. RAJENDRAPRASAD: MEMBER (ADMN)

ORDERS

Dt.: 25.3.96

(AS PER HON'BLE SHRI JUSTICE M.G.CHAUDHARI, VICE CHAIRMAN)

We have perused the application and heard Shri V.Rajeswara Rao, learned standing counsel for the respondents. The learned standing counsel for the respondents submits on instructions of the Administrative Officer that the applicant will be considered for appointment as and when his turn comes and that the project authorities are making best efforts to provide employment to all the land losers. In view of the same, the learned standing counsel prays for dismissal of the OA. We would not have hesitated to dismiss the OA had any specific time would have been indicated by the respondents to provide employment to the applicant. When it is stated that he will be considered when his turn comes, it is to leave the matter in the ~~whelm~~^{realm} of uncertainty. In the instant case, the land of the applicant was acquired way back in 1985 for the project. As a large number of villagers were rendered landless, they were agitated and as a result thereof after a discussions with the representatives of the land losers, an agreement was arrived at and it was agreed by the Department that one representative of the person who has lost his land in acquisition where land is less than five acres, will be provided employment within one year from the date of obtaining declaratory certificate and where the area was more than five acres, two persons of the land loser^{family} will be given employment. Land loser certificate was issued to the applicant by the concerned revenue authority on 7.7.90. On 1.7.91, the Administrative Officer called the applicant for interview on 13.7.91 for the purpose of consideration of his appointment and verification of his qualifications for that purpose. It was

mentioned therein that the appointment will be subject to availability of the required number of posts. The grievance of the applicant is that a period of one year long since has ~~elapsed~~ passed but so far no appointment has been given to him. Shri V. Rajeswara Rao submits that it depends on the availability of vacancies. We are not satisfied that even after a lapse of nearly five years, respondents are unable to provide an employment to the applicant. It cannot be lost sight of ^{the fact} that ^{the} source of livelihood of the applicant has been taken ^{away} over and the amount of compensation paid could hardly be ^{a solace to} ~~compensated~~ to him for that loss. At the highest, it is only a legal ^{formality} requirement. In view of deprivation of the agricultural land, a large number of villagers having been rendered landless, the agreement that ^{was} arrived at should be looked upon as a welfare measure to recompense the families who lost their lands. It is a contradiction in terms to delay the same on the specious ground that there are no adequate number of vacancies available. This aspect should have been considered when the assurance was made. We, therefore, do not accept the submission of the learned standing counsel for the respondents to dismiss the OA. OA is admitted. Respondents to file their reply within four weeks. Meanwhile, it is directed that the respondents shall endeavour to offer an appointment to the applicant as early as possible and may report that fact to this Tribunal on the basis of which necessary orders may be passed on the OA. OA may be placed for hearing in usual course.

ORIGINAL & TRUE COPY

Central Tribunal

HYDERABAD BENCH