

38

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL : HYDERABAD BENCH
AT HYDERABAD

O.A. 520/95.

Dt. of Decision : 14-08-96.

Abdul Rauf

.. Applicant.

Vs

1. The Govt. of India, Rep. by its Secretary, Dept. of Atomic Energy, New Delhi.
2. The Administrative Officer, NFC at Hyderabad, ECIL Post. .. Respondents.

Counsel for the Applicant : Mr. Ch. Janardhan Reddy

Counsel for the Respondents : Mr. V.Rajeswara Rao for
Mr. N.V.Ramana, Addl. CGSC.

CORAM:

THE HON'BLE SHRI R. RANGARAJAN : MEMBER (ADMN.)

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ORDER

Oral Order (Per Hon'ble Shri R.Rangarajan, Member (Admn.)

None for the applicant. Heard Mr.V.Rajeswara Rao, for Mr.N.V.Ramana, learned counsel for the respondents.

2. The applicant in this OA is the son of one Mr.Md. Abdul Ghani. It is stated that a land measuring 0.19 guntas in survey No.73/2, 73/3 in Mallapur Village, Uppal Mandal, R.R.District was acquired for the purpose of construction of NFC Unit.

3. The applicant now filed this OA praying for a direction to the respondents to appoint him in the last grade service (Class-IV) under the Land lessers' category.

4. A reply affidavit has been filed in this connection. There are 4 main contentions to be noted from this reply. They are 1) the said land measuring 0.19 guntas in Survey No.73/2, 73/3 in Mallapur Village, Uppal Mandal, R.R.District was owned by three persons viz., Mr.Md.Abdul Ghani (father of the applicant), Mr.Md.Jahangir and Smt. Laxmakka jointly. Hence the land taken over by NFC belongs to 3 persons and either one the land lessor or his nominee are only eligible for appointment against the land lessers quota. 2) Mr. Md.Jahangir nephew of Mr.Md.Abdul Ghani who is a joint holder of the above said land was appointed against the land lessers quota. Having made one appointment in the land lessers quota no further appointment is permitted. 3) There is no scheme in NFC for providing job for land lessers. However in order to mitigate hardship to land lessers the department took a lenient view to provide job to one of the land lessor or his wards. 4) The applicant was 12 years old at the time of the acquisition of the land and he attained majority in the year 1986. He applied for a job

under the land leasers quota in 1992 i.e., 6 years after he became major. He filed this OA on 17-4-95 i.e., 9 years after he became major. Hence the OA is barred by delay and laches.

5. No rejoinder has been filed in this OA. Hence, it has to be held that the facts mentioned in the reply is to be accepted without any reservation. It has been stated that the land measuring 0-19 guntas in the Survey No.73/2,73/3 in Mallapur Village, Uppal Mandal, R.R.District was jointly owned by three persons viz., Mr.Md.Abdul Ghani (father of the applicant), Mr. Md.Jahangir (nephew of the applicant) and Smt. Laxmakka. As Mr.Md.Jahangir, nephew of the applicant has been already given a job the applicant now cannot ask for job for him as ~~the~~ only one member from the land leaser quota can be appointed. This obligation though not provided, in a scheme, was implemented in good faith by the respondents to mitigate the hardship of the land leasers. Hence the applicant on this score cannot claim employment to him.

6. The applicant should have approached this Tribunal when he became major in the year 1986. For some inexplicable reason he waited till 1995 hence the application has to be rejected on the basis of laches also.

7. In view of the above, the OA is dismissed as having no merit. No costs.

On

(R. Rangarajan)
Member(Admn.)

Dated : The 14th August 1996.
(Dictated in Open Court)

AM/672/1996
D.Y. Registrar

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41

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OA, 520/95.

Copy to:-

1. The Secretary, Department of Atomic Energy, Govt. of India, New Delhi.
2. The Administrative Officer, NFC ECIL Post, Hyderabad.
3. One copy to Sri. Ch. Janardhan Reddy, advocate, CAT, Hyd.
4. One copy to Sri. N.V.Ramana, Addl. CGSC, CAT, Hyd.
5. One copy to Library, CAT, Hyd.
6. One spare copy.

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH HYDERABAD

THE HON'BLE SHRI R. RANGARAJAN : M(A)

DATED: 14/8/96

ORDER/JUDGEMENT

M.A. NO/R.A./P.A. NO.

IN

D.A. NO.

526795

ADMITTED AND INTERIM DIRECTIONS ISSUED

ALLOWED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDERED/REJECTED

NO ORDERS AS TO COSTS

* * *

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