

FORM NO. 21

(Sec Rule 114 )

THE  
IN/CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: HYDERABAD.

OA / ~~TA/RA~~ / CP / ~~MA~~ / ~~PE~~ ..... 1294 ..... of 1997

..... 1. D. Venkateswaran Rao ..... Applicant (s)

Versus

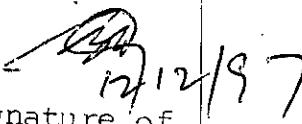
..... Mr. G. M. Sathyasekharan ..... Respondent (s).

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Serial No	Description of Documents and Dates.	Pages.
Bucket Orders.		
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Reply Statement		136 15
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Orders in (Final orders )	21-11-97	16 6-19

Certified that the file is complete

In all respects.

  
Signature of  
Dealing Hand  
(In Record Section)

Signature of S.O.

Central Administrative Tribunal, Hyderabad Bench, Hyderabad

O.A. No.

1294

of 1997.

D. V. Rao

Applicants(s).

VERSUS.

The Gr - M, Sec, Seibad & 20t

(Respondents).

Date	Office Note	ORDER
30.9.1997		To be listed along with O.A. Nos. 1001/97 & 1002/97 on 16.10.1997 <i>9/30/97</i> H H R P T(A)
16-10-97		O.A. is admitted. Counter within six weeks. List it thereafter. <i>16/10/97</i> H H R P M (A)

Admit Notice  
O.A.  
11/10/97  
Issued  
23/10/97

MO

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH: BENCH HYDERABAD.

ORIGINAL APPLICATION NO. 1241 OF 1997.

D. Venkateswara Rao

(Applicants(s))

VERSUS

Union of India, Repd., by.

Genl. Manager: Secy;  
Secyad & 2 others

Respondents(s)(s)

The Application has been Submitted to the Tribunal by Shri P. Krishna Reddy Advocate/Par

in person Under Section 19 of the Administrative Tribunal Act. 1985 and the same has been scrutinised with reference to the points mentioned in the check list in the light of the provisions in the administrative Tribunal(procedure) Rules 1987.

The application is in order and may be listed for Admission No. ---

Scrutiny No. 26/87

*Anil*  
DEPUTY REGISTRAR(JUDL).

10. Is the application accompanied I.P.O/DO, for Rs.50/-
- 10.
11. Have Legible copies of the annexure duly attested
12. Has the applicant exhausted all available remedies.
13. Has the Index of documents been filed and pagination done
14. Has the declaration as required by item No. 7 of  form, I been made.
15. Have required number of envelops (file six) bearing full addresses of the respondents been filed.
16. (a) Whether the relief sought form arise out of single cause of action.
- (b) Whether any interim relief is prayed for,
17. In case an Ma for cononation of delay in filed, it supported b an affidavit of the a licant.
18. Whether t is cause ben heared by a single bench.
19. Any other points. \_\_\_\_\_
20. Result of the scrutiny with initial of the scrutiny clerk. *Page 5  
numbered*

Scrutiny Assistant  
*36/9/97*

Section Officer.

Deputy Registrar.

Registrar.

CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH HYDERABAD.

Dairy No. 3106

Report in the Scrutiny of Application.

Presented by PK Reddy Date of presentation.

Applicant(s) DVRao

24/9/13

Respondent(s) St. SCK, Sc. sons.

Nature of grievance Appt. v/c L. & O. Act

No. of Applicants 1 No. of Respondents 3

Classification.

Subject V.L.O. Act No. (1) Department SCB (No. 3)

1. Is the application in the proper form, (three complete sets in paper books form in the two compilations). ✓
2. Whether name description and address of all the parties been furnished in the cause title. ✓
3. (a) Has the application been fully signed and verified. ✓  
(b) Has the copies been duly signed. ✓  
(c) Have sufficient number of copies of the application been filed. ✓
4. Whether all the necessary parties are impleaded. ✓
5. Whether English translation of documents in a Language, other than English or Hindi been filed. ✓
6. Is the application on time, (see section 21) ✓
7. Has the Vakalatnama/Memo of appearance/Authorisation been filed. ✓
8. Is the application maintainability. (U/S 2, 14, 18, or U/R. 8 Etc.,) ✓
9. Is the application accompanied, duly attested legible copy been filed. ✓

CENTRAL ADMINISTRATIVE TRIBUNAL (YER. B.C. BENCH) HYDERABAD

INDEX

O.A. NO. 1294 of 1997.

CAUSE TITLE D.V. Rao

VOLUME

To G.M. Sir, Seibad 20th

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6.	Covers 3. A	

T. Reply statement filed by Mr.  
c. Malle Reddy on 18/11/97

© Appointment under Land Lessee's Quo

Regd. to direct the Respondents to appoint the applicant in any post either Gr 'C' or Gr 'D' for which he is eligible based on the educational qualifications.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:

AT HYDERABAD.

Single

Railway (32)

O.A.NO. 1294 OF 1997.

(msc)

Between:

D. Venkateswara Rao.

... . . Applicant.

And:

1. The General Manager, S.C.Rly.,  
Secunderabad and others.

Railway

... . . Respondents.

MATERIAL PAPER INDEX AND CHRONOLOGICAL EVENTS

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Received Copy  
for S.C.Rly  
Hyderabad,  
Dt. 16-9-1997. Counsel for the Applicant.



24/9/97

3

APPLICATION UNDER SECTION 19 OF THE  
ADMINISTRATIVE TRIBUNALS ACT, 1985.

FOR USE IN TRIBUNAL OFFICE:-

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DATE OF FILING

OR

DATE OF RECEIPT  
BY POST.

REGISTRATION NO.

SIGNATURE:

REGISTRAR

-----  
IN THE CENTRAL ADMINISTRATIVE TRIBUNAL, HYDERABAD BENCH,  
AT HYDERABAD.

O.A.No. 1204 of 1997.

Between:

DARAPUNENI VENKATESWARA RAO,  
S/o. VENKAYYA,  
aged about 24 years,  
R/o. Elaprolu Village,  
Ibrahimpatnam Mandalam,  
Krishna District.

... . . . . Applicant.

And:

1. The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer,  
South Central Railway,  
Rail Nilayam, Secunderabad.
3. The Deputy Chief Mechanical Engineer,  
Guntupalli Wagon Workshop,  
South Central Railway,  
Guntupalli, Krishna District. . . . . Respondents.

DETAILS OF THE APPLICATION

1. Particulars of the Applicant:-

The particulars of the applicant is same as given in the cause-title. The address for service of all notices and process on the above named applicant is that of his counsel M/s. P. KRISHNA REDDY & SMT. P. SARADA, ADVOCATES, 3-5-899, Himayathnagar, Hyderabad-29.

2. Particulars of the Respondents:-

Address for service of all notices and process on

4  
---: 2 :---

the above named respondents are same as given in the cause title.

**2. Particulars of the order against which application is made:-**

i) Order No.

ii) Date.

---: NIL :---

iii) Passed by.

iv) Subject in Brief:- To direct the respondents to appoint the applicant on land looser's quota.

**4. JURISDICTION OF THE TRIBUNAL:-**

The applicant declares that the subject matter of the present O.A. is within the jurisdiction under Sec.14(10) of the Administrative Tribunals Act, 1985.

**5. LIMITATION:-**

The applicant further declares that this O.A. is filed is within the limitation as prescribed in Sec.21, of the Administrative Tribunals Act, 1985.

**6. BRIEF FACTS OF THE CASE:-**

(a) The applicant submits that his father owned Ac.0.49 $\frac{1}{2}$  cents of land in R.S.No.19/3 of Elaprolu village, Ibrahimpatnam Mandalam, Krishna District. The said land was acquired by the Railways for the purpose of construction of Wagon Workshop. Award No.5/75 was passed on 21-6-75. Even though the compensation amount was paid to the applicant's father he was not assigned any land by the State Government. The applicant's family was mainly living on agricultural and there is no other source of living. Under those circumstances the Railway Board in its letter dt. 31-12-82/1-1-83 prescribed certain guidelines for the rehabilitation of persons whose lands were acquired for the

construction of the Carriage Repair Workshop.

(b) The applicant may be permitted to extract the relevant conditions of the letter which are as follows:-

1. The individual concerned should have been displaced himself or he should be the son/daughter/ward/wife/ of a person displaced from land on account of acquisition of the land by the Railways for the project.
2. Only the job on such preferential treatment should be offered to the family.
3. This dispensation should be limited to recruitment made from outside in direct recruitment categories and to the first recruitment or within a period of two years after the acquisition of the land whichever is later.
4. It must also be ensured that, the displaced person did not derive any benefit through the State Government in the form of alternative cultivable land etc.
5. The person concerned should fulfil the qualifications for the posts in question and also be found suitable by the appropriate recruitment committees. In the case of Group 'C' post for which recruitment to be made through the Railway Service Commission, Chairman or the member of Railway Service Commission should be ~~apply~~ associated in the recruitment."

(c) The applicant submits in July, 1985 the applications were called for from the land displaced persons/or his wife/or his son/or daughter. By the time of acquisition as the applicant was a minor. The ~~applicant~~ applicant further submits that he was studied upto 10th class. As soon as the applicant has became major, he approached the 3rd respondent, but he has not

received any reply from the 3rd respondent.

(d) The applicant reliably learnt that when the applications for appointment filed by some of the land losers were rejected on the ground that the applications were filed after cut-off date that is on 31-3-1981, they approached this Hon'ble Tribunal. The Hon'ble Central Administrative Tribunal, Hyderabad was pleased to allow all these ~~multiple~~ original applications. The 1st order of the Hon'ble Tribunal was delivered on 12-12-1987 in Review Application No.2/86 in

T.A.No.677/86. The relevant portion of the order is as follows:-

"One common objection has been taken in regard to all the applicants, i.e., that all of them have applied after the due date i.e. 31-3-1981 and hence cannot be considered for employment event if they have satisfied the other conditions. We are satisfied that this objection for excluding the applicants is untenable as admittedly the department has entertained the application of Smt.V.Savitri after 31-3-1981. It is stated that her case was treated as a Special Case and she was given appointment. In regard to public appointments, it is not open to the appointing authority to discriminate between citizen and citizen and treat one individual as a special case. If relaxation can be given to one person for appointment then there appears no reasons why the applicants should be given the same benefit, though they had applied after the due date i.e. 31-3-1981."

Under similar circumstances the Hon'ble Tribunal had an occasion to deliver judgment in O.A.No.765 of 1988 on 18-7-1990 and in O.A.No.841/88 on 18-9-1990. Under those circumstances the Hon'ble Tribunal was pleased to hold that the cut off date is not followed ~~and~~ ~~now~~ land losers who filed the application for jobs beyond the date were also directly appointed in the

land losers quota by the administration. The Hon'ble Tribunal in O.A. No. 765/88 was pleased to pass the following orders-

"At the same time we are however not unmindful of the consequences. We agree with the respondents that the question cannot be kept open for all time to come. In the course of the hearing the respondents apprehended that if the applicants succeed in this case they may have to keep the gate open indefinitely. They were afraid that even persons who are infants at present, may, on attaining majority and acquiring suitable qualifications stake their claims for jobs on the quota system of one job per displaced family. Though this may be an extreme case such a possibility cannot be ruled out. We therefore give the Railways the liberty to indicate a fresh cut off date and notify it adequately. They may however note that the present situation is their own creation by departing from the guidelines leading to the judgments of this Tribunal to avoid discrimination. If they want to succeed in their attempts with the new cut off date, they have to follow the cut off date strictly to avoid the type of situation they apprehend."

It is clear from the above order of the Hon'ble Tribunal that the administration is bound to give only one job for a family whose lands were acquired by the administration.

(e) The applicant further submits that it is clear from the orders referred to above that the cut off date fixed earlier as 31.3.1981 was relaxed. Inspite of the observation of the Hon'ble Tribunal that it is always open for the administration to prescribe other cut off date and adhere

to the same, the Railway Administration has not chosen to introduce any cut off date so far. Evidently the Railway Administration might have thought that in the interest of the persons whose lands were acquired and who were deprived of their source of living should be helped by implementing Railway Board orders by giving one appointment for one family.

(f) As submitted above nobody in the family of the applicant has been appointed in land losers quota or in any other manner. The applicant's parents have also became aged. In the interest of the family, the Hon'ble Tribunal may be pleased to direct the respondents to provide the applicant with a suitable job in the Wagon Workshop, Guntupalli, Krishna District.

**7. Relief Sought:-**

In view of the facts mentioned in para 6 above, the applicant herein prays that this Hon'ble Tribunal may be pleased to direct the respondents to appoint the applicant in Wagon Workshop, Guntupalli, Krishna District in any post either Group 'D' or Group 'C' for which he is eligible based on the educational qualification and pass such other order of orders in the interests of justice.

**8. Interim Relief:-**

It is also prayed that this Hon'ble Tribunal may be pleased to fix an early date for final hearing of the above O.A. and pass such other order or orders in the interests of justice.

**9. Details of remedies exhausted:-**

The applicant humbly submits that he has no other alternative or efficacious remedy except to approach this Hon'ble Tribunal by way of filing this O.A.

**10. Matter not pending with any other court etc:-**

The applicant further declares that the matter regarding

which this application has been made is not pending before any court of law or any other authority or any other bench of the Tribunal.

11. Particulars of the postal order in respect of the

Application Fees:-

i) Postal Order No. 812687127 ii) Date: 19-9-97  
ii) Amount of Rs.50/- (Rupees fifty only).

(P.A.M.B.D. Remains)

12. Details of Index :-

An Index in duplicate containing the details of the documents to be relied upon is enclosed.

13. List of Enclosures:-

All the material papers are filed duly indexing the same.

Verification

I, D. Venkateswara Rao, s/o. Venkayya, aged about 24 years, R/c. Elaprolu village, Ibrahimpatnam Mandalam, Krishna District, do hereby declare that the contents stated above in paragraphs 1 to 13 are true to the best of my knowledge, belief and information.

D. Venkateswara Rao.

APPLICANT.

P. S. Sadasivam  
COUNSEL FOR THE APPLICANT.

HYDERABAD,  
Dt. 16-9-1997.

To

The Registrar,  
Central Admin. Tribunal,  
Hyderabad.

- : 2 : -

any cut off date. Hence, your honour may be pleased to entertain my application to join in any Class IV employee in your Railway Wagon Repair Workshop. I studied upto VIII Class. I qualified for being appoint any Class - IV employee in Wagon Repair Workshop.

Hence, I may be pleased to appoint as in any Class IV employee.

ELAPROLU,

Date : 09-09-1997

Be pleased to consider

D. Venkateswara

(DARAPUNENI VENKATE SWARA RAO)

ADDRESS FOR CORRESPONDENCE:-

Darapuneni Venkateswara Rao,  
S/o. Venkayya,  
ELAPROLU - 521 228,

Via. Kondapally,  
Krishna Dist.

Copies submitted to:

- 1. The General Manager,  
South Central Railway,  
Rail Nilayam,  
SECUNDERABAD (A.P.)
- 2. The Chief Personnel Officer,  
South Central Railway,  
Rail Nilayam,  
SECUNDERABAD - (A.P.)

Enclosures:

- ① Long service certificate
- ② Study certificate
- ③ SSC certificate

T.P.  
R.S.

REGD. POST WITH ACK.DUE

To

Before the Deputy Chief Mechanical Engineer,  
Wagon Repair Workshop,  
South Central Railway,

Guntupalli,  
Ibrahimpatnam Mandalam,  
Krishna District.

Respected Sir,

My father, Sri Darapaneni Venkayya, son of Venkappaiah, who was the owner of 40.0.49 $\frac{1}{2}$  cents of land in R.S.No.19/3 of Elaprolu Village, Ibrahimpatnam Mandalam Krishna District. The land was acquired for the purpose of construction of Railway wagon Repair Workshop at Guntupalli under Award No.5/75.

According to Railway Board instructions one job can be given for family of land looser in addition to payment of compensation. Land was assigned to provide job to the land looser or any member of the family by the State Government. I submit that none of members of my family i.e., my father, my mother are assigned any by the State Government. Hence, I am eligible for being given a job in your Wagon Repair Workshop.

Earlier there was some doubt about entertainment of applications for appointment under land losers quota beyond 31.3.1981. But, the Hon'ble Central Administrative Tribunal, Hyderabad in T.A.No.677/86 was pleased to hold as the out off date prescribed by the administration was not adhere to the administration. The applications of the land losers can be entertained without restrictions whatsoever regarding limitation. But, the Hon'ble Tribunal was pleased to observe that it is always open to the Railway administration prescribed out off date and adhere the same. But, in the interests of and welfare of land losers, the administration was not choosen to prescribed

Contd....2

D. Venkateswaran

10. పారాంత తారిఖం విద్యార్థి / విద్యార్థిని చెందుకొనబడిన తరగతి సంవర్గరము :

Class and year in which the pupil was first admitted into the school :

2-7-85. V.I.I.C

11. ఈ తరగతి ప్రమోట్ అనుభవ తగిన అర్థ కల్గి ఉన్నదా, (ఎవ్. ఎన్. ఎచ్. పి. రెక్. పి. రెక్. ఎవ్. ఎస్. పి. పరీషక్. రక్త పంపబడిన విద్యార్థి / విద్యార్థిని విషయములో ఆ విద్యార్థి / విద్యార్థిని కాలేజీ కోర్సు చదువుటకు అర్థ కలిగియున్నటుగానని; అ క్రిత్యదయనటుగానని, ఎట్లి రూపు రాశుటగానని ప్రకటించిన విషయమును సుధంచి శరియాలై వారెను):

Whether qualified for promotion to a higher class?

(In the case of pupil presented for the S. S. I. C. or H. S. C. or S. S. C., whether the pupil has been declared eligible for college course of study or passed or not, has to be stated):

12. విద్యార్థి / విద్యార్థిని పారాంత తెరించవచిన దుస్థితి రావుండి:

Whether the pupil has paid all the fees due to the school?

13. ఎ.. విద్యార్థి / విద్యార్థిని ఏడై స్కూల్ ఆర్సెస్ పొంది ఉండేనా, (స్కూలర్స్‌ఫ్రెన్చ్ వివరములు తెలుపవచెను):

a) Whether the pupil was in receipt of any scholarship?

(Nature of the scholarship to be specified):

b. విద్యార్థి / విద్యార్థిని రాయిత ఏడై ఇవ్వబడినదా, (రాయిత స్వీతవమును తెలుపవచెను):

b. Whether the pupil was in receipt of any concession?

(Nature of concession to be specified):

14. సంవర్గరములో విద్యార్థి / విద్యార్థిని ప్రె. ద్వ్య పరీక్ష చేయించుకొనేనా, (ప్రె. ద్వ్య పరీక్ష మొదటసారి ఆరిగినదా, తిరిగి ఆరిగినదా, తెలుపవచెను):

Whether the pupil has undergone medical inspection during the year? (First or repeat to be specified):

2.

15. విద్యార్థి / విద్యార్థిని తొక్కు స్థిరంపుచుట్టుములు :

Personal marks of identification:

16. విద్యార్థి / విద్యార్థిని పారాంత వాసవముగా వచ్చి పెట్టిన తేది :

Date on which the pupil actually left the school:

Three months

17. విద్యార్థి / విద్యార్థిని కథాన, అతని / అమె రెల్ / రండి రెక్ సంబంధించు బట్టి వుపాకెట్లు కుర్కల దరఖాసు పెట్టిన తేది :

15-3-88

Date on which application for transfer certificate was made on behalf of the pupil by his / her parent or guardian:

16-9-89

18. పంచ స్టూపెట్ తేది :

Date of the Transfer Certificate:

16-9-89

19. పవర్ తన :

CONDUCT:

విద్యార్థి / విద్యార్థిని విషయమున్న తరగతి పాటపాటు:

విద్యార్థి / విద్యార్థిని ప్రాతిష్ఠానికి దినముల సంఖ్య :

Attendance in the class of leaving:

Number of days present:

సంఖ్యల దినముల మొత్తము సంఖ్య :

Number of working days:

సంఖ్యల సంఖ్య :

of the head of the school:

విద్యార్థి అంధ్రప్రదేశ్ రాష్ట్రమును వచ్చి చెందుచున్న సందర్భములో ప్రతి సంఘంల్లో ప్రస్తుతమైన ప్రావీకరణ సంపత్తిము దానిపై వీచిచుంచం ఆ స్టూపెట్ తెలుపది మాన్యమాన్యమై విధిలు (కృష్ణాద్రాలు) case the pupil is leaving the State of Andhra Pradesh, this certificate will be valid without the counter signature of the inspecting officer concerned.

TIC  
B. S. S. C.

S. L. High  
ఆస్ట్రోఫిధ్య 16 -10-  
KONDAPALLA APPENDIX 16  
Dt..... అప్రెషణము 30-వ విషయము  
★ Rule 89, Chapter III  
Krishna చదరి సర్టిఫికేటు

Annexure - II  
11

ORIGINAL

Adno: 164E9

## FORM OF TRANSFER CERTIFICATE

Transfer Certificate No.:

1. a. పాఠాలం పేరు (ప్రామా, జిల్లా):

a. Name of the school (Place and District):

b. పాఠాలం వెద్ద కరగి:

b. Highest class in the school:

c. ప్రధాన పాఠాలాలినీ, ఏకాలం వెద్ద కరగి వస్తుంది యిందు,  
రిక్గిషన్, ల్రెక్యూల్ నుంచు, పేరి:

c. If Non-Government, class upto which recognised, No. &  
Date of recognition orders:

2. విద్యార్థి / విద్యార్థిని పేరు:

Name of the pupil:

3. కంద్రి రెడి సంపకుని పేరు:

Name of the parent or guardian:

4. జాతియు, మతము:

Nationality and Religion:

5. అభ్యర్థి జీవించు ఉన్న లేక జీవించు లేక విషయము కాలులు  
లేక అంద్రపదేశ్ / విద్యానియుషవరో విషయపరచలి సాంస్కరికముగాను,  
విద్యావంంధనముగాను వెనుకబడిన యితర శరగతులఁ తెంపిన వ్యక్తియా,  
లేక జీవించు కులములు లేక జీవించు లేక విషయములు  
ప్రీకరించిన వ్యక్తియా: అయినట్లు లేక అందుకు నంధించిన వివరములు  
కలియజెటువరము.

Whether the candidate belongs to Scheduled Castes or  
Scheduled Tribes or Vimukta Jathies or Other Socially and  
Educationally Backward Classes specified in the Andhra  
Pradesh Educational Rules or is he a convert from the  
Scheduled Castes or the Scheduled Tribes? If so, the  
particulars thereof:

6. జ్ఞానివన రెడి ప్రమోషిత రిక్షారులో నమోదైన ప్రకారము (మాటలలో):

Date of Birth (in words) as entered in the Admission Register:

7. a. పాఠాలం వారి జీవునిస్తు విద్యార్థి చదువుచుండన కరగి (మాటలలో):

A. Class in which the pupil was reading at the time of  
leaving (in words):

B. i. ప్రతి భాష: :

B. ii. First Language:

B. iii. ద్వాతియ భాష:

B. iv. Second Language:

C. i. బియుక్తము కోర్సు పాఠాలణ విద్యా: ప్రతి విద్యా:

(ప్రతి కోర్సు ఒక పాఠాలణములు):

C. ii. Course offered (i.e., whether academic or bifurcated)  
and the subject offered under the bifurcated  
course:

C. iii. దీవినది నమోదై గాంచిత కాత్తుము: పాఠాల్ గాంచిత కాత్తుము:

C. iv. Whether studied Composite or General Mathematics?

8. i. మార్గాను, ii. కొడ్డు భాష, iii. దుర్విషముగా బియుక్తము భాష:

Mother-tongue, Medium of Instruction, Optional:

9. ఒక కరగిలో చేరుకొంచుని లేక ప్రమోషిత చేయబడిన రెడి:

(నంచర్చుమును మాటలలో నమోదు చేయవచ్చు):

Date of admission or promotion to that class (the year to  
be entered in words):

zpp High School, Kondapalli

X class

Re no: 150/A4 dt: 29-10-83

of M.E DEO - Krishna

Donapuneer Venkateswara Rao

Venkatesh

Hindu - Hindli - Komma

17-8-73

Seventeenth August Seventy Three

X class S.S.C

telugu

Hindli

Academic

Maths

telugu

June Eighty Seven

D. Dis. 'A' 435/97.

Mandal Revenue Officer,  
Ibrahimpatnam, Dt: 11-09-97.

C E R T I F I C A T E

This is to Certify that Sri. DARAPANENI VENKAYYA son of VENKATAPPAYYA of Elaprolu village of Ibrahimpatnam Mandal, Krishna District possessed an extent of AC.0.49<sup>1</sup> cents and the same was acquired by Special Deputy Collector, (L.A), Vijayawada, Guntupalli Wagaon Work Shop in Award No. 5/75, Dt. 20-3-1975 for construction of Guntupalli Wagaon Work Shop.

Sd/- x x x x x x x x  
Mandal Revenue Officer,  
IBRAHIMPATNAM.

// True Copy //

R. S. S. S. S.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL :::: HYDERABAD BECNH  
AT HYDERABAD

D.A.No.: 1294 of 1997

Between :

D. Venkateswara Rao

.. .. APPLICANT

a n d

The GENERAL MANAGER, South Central  
Railway, Secunderabad and  
Others

... RESPONDENTS

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Hyderabad,

Date : 17-11-97

c. Venkata malla Reddy

COUNSEL FOR RESPONDENTS.

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: ;BYDERABAD BENCH:;  
AT HYDERABAD.

O.A.No.1294 of 1997

Between:

Dr Venkateswara Rao. .... ... APPLICANT

and

The General Manager, S.C.Railway,  
Secunderabad and others .. .. RESPONDENTS

REPLY STATEMENT FILED ON BEHALF OF THE RESPONDENTS

1. That I am the Respondent No.3 herein and I, MANDAVA KRISHNA RAO, Son of Sri M. VEERABHADRAIAH, aged 53 years, working as CHIEF WORKSHOP MANAGER, WAGON WORKSHOP, SOUTH CENTRAL RAILWAY, GUNTUPALLI-521 241, and as such I am well acquainted with the facts of the case. I am filing this reply statement on my behalf as well as on behalf of other Respondents as I am authorised to do so.

2. I submit that I have read the contents of O.A. filed by the applicant deny each and every allegation and averments made therein except those which are specifically admitted here under. The applicant is put to strict proof of allegations and averments. The O.A. does not disclose any valid and substantial grounds for the grant of relief prayed for and it is barred by limitation.

3. It is pertinent to submit at the outset is that the object of providing employment to the land displaced families is to enable the family to tide over the sudden crisis which the family faces at the time of acquiring land and to relieve the family from the financial troubles. A decision was taken to provide jobs to the displaced family with a view to rehabilitate the evicted families as a result of acquisition of land for Wagon Workshop at Guntupalli. As there were no guidelines for providing jobs to the land losers, the General Manager/South Central Railway (R-I) prescribed certain

1st Page:

Corres.:

Chief WOEPONEN Manager

RAJAPURAM, HYDERABAD

WAGON WORK SHOP

R. S. Road, Guntupalli

S.C. RLY, GUNTUPALLI

Contd...2

CHIEF STOR.  
RAJAPURAM, HYDERABAD  
R. S. ROAD, GUNTUPALLI  
S.C. RLY, GUNTUPALLI  
WAGON WORK SHOP  
Dr. Venkateswara Rao  
S. C. RLY, GUNTUPALLI  
WAGON WORK SHOP  
S. C. RLY, GUNTUPALLI

In the CATHED Bench  
HED

O AND 1294 of 97

Counter Affidavit



C. V. Ralla Reddy

C. C. for Railways

Received  
18 NOV 1997  
996

norms. Subsequently Railway Board issued Lr.No.E/NG/11/82/PC/1/95 dated 31-12-1982/1-1-1983 prescribing certain guidelines for the rehabilitation of persons whose lands were acquired for Establishment projects and Workshops. It is a welfare measure on behalf of Respondent Railways.

4. It is further submitted that the condition 3 of Railway Board's letter dt. 31-12-82/1-1-83 prescribed limitation that the dispensation should be limited to requirement made from outside in direct recruitment categories and within a period of 2 years from the first recruitment or from the acquisition of land whichever is later.

5. In reply to Para-6(a) it is submitted that an extent of Ac. 0-49½ cents of land in R.S.No.19/3 was acquired on 21-6-'75 for the construction of Wagon Workshop at Guntupally from Sri Venkayya, the father of the applicant. The land acquisition Officer passed Award No.5/7 on 21-6-'75 and paid compensation.

6. In reply to Para-6(c), it is submitted that the applicant's contention that the applications were called for in July, 1985 from the land displaced persons is not correct. The date of Birth of the applicant is 17-8-'73. The applicant attained majority during the year 1991. The contention of the applicant that he has submitted application as soon as he became major is not correct as the applicant has attained majority in 1991 and he has submitted application only in the month of Aug. 1991 i.e., 6 years after attaining majority.

7. It is further submitted that the acquisition of land, the offering of jobs and last date for receipt of applications etc., in the Wagon Workshop at Guntupalli was completed prior to the issuance of the Rly. Board's letter dt. 31-12-82/1-1-'83.

For the reasons stated above, there are no merits in the O.A., it is therefore prayed that this Hon'ble Tribunal may be pleased to dismiss the O.A. with costs.

2nd & Last Page:

Corres. :

महाराष्ट्र राज्य प्रबन्ध  
Chief Workshop Manager  
R.Y.W.L. Guntupalli  
DEPONENT  
WAGON WORK SHOP  
T. R. R. R. R. Guntupalli

VERIFICATION

Solemnly affirmed and signed on this the day of 15.  
November 1997 at WAGON WORK SHOP, GUNTUPALLI.

Before me  
संसदीय अधिकारी  
अधिकारी अधिकारी  
ATTESTOR  
C. D. अधिकारी  
Mr. Deva Prasad  
Wagon Workshop

16

CENTRAL ADMINISTRATIVE TRIBUNAL,  
HYDERABAD BENCH : AT HYDERABAD.

O.A.NO 1294 OF 1997.

Date of Decision:  
21ST NOVEMBER, 1997.

BETWEEN:

**D. Venkateswar Rao**

...APPLICANT

AND

1. The General Manager,  
South Central Railway,  
Rail Nilayam, Secunderabad.

2. The Chief Personnel Officer,  
South Central Railway,  
Rail Nilaya, Secunderabad.

3. The Deputy Chief Mechanical Engineer,  
Guntupalli Wagon Workshop,  
South Central Railway,  
Guntupalli, Krishna District.

...RESPONDENTS

Counsel for the applicant : Mr. P.Krishna Reddy.

Counsel for the Respondents : Mr.C.V.Malla Reddy.

CORAM :

THE HONOURABLE SRI H. RAJENDRA PRASAD, MEMBER (ADMN.)

O R D E R.

(Per Hon'ble Sri H.Rajendra Prasad, Member (Admn.)

1. Heard Mr. P. Krishna Reddy for the applicant and Mr. C.V.Malla Reddy for the Respondents.
2. It is submitted that in respect of providing appointment to one member of a land-losing family in connection with the establishment of Carriage & Repair Workshop at Settipalli and Guntupalli, the S.C.Railway Headquarters have now taken a decision to extend the

Q/  
r/

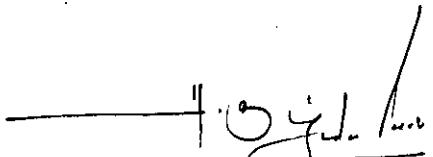
(17)

dead-line for submission of applications from eligible candidates upto the end of December,1997. The candidature of all such candidates would be examined subject to usual conditions governing the scheme. Mr.C.V.Malla Reddy produces a copy of letter No.P-263/Mech/TYPS/18/Vol.IV Dt.14.11.97, which confirms the above disclosure made by him.

3. In view of this submission, nothing survives in the O.A. The petitioner may submit an application within the date prescribed which would be scrutinised and decided as per the rules of the scheme in the normal course.

4. Any further litigation arising out of non-submission by an eligible candidate, of a proper application before the last date fixed for the purpose, shall not be entertained.

Thus the O.A. is disposed of.

  
(H.RAJENDRA PRASAD)  
MEMBER(ADMINISTRATIVE)

Dated the 21st November,1997  
Dictated in the Open Court.

KSM.



-3-

CC. 129497.

1. Mr. Murali Kumar, C.I.Ly.  
Tamil Nadu, Second Cabin.
2. Mr. Chidambaram Officer,  
C.I.Ly., Tamil Nadu, Second Cabin.
3. Mr. Deputy Chief Mechanical Engineer,  
Tuticorin Locomotive Workshop,  
C.I.Ly., Tuticorin, Krishna Dist.
4. No copy to Mr. V. Krishna Reddy, Advocate, C.I.Ly.
5. No copy to Mr. C. V. Mallikarjun, C.I.Ly., C.I.Ly.
6. No copy to Mr. S. S. ( ) C.I.Ly.
7. No copy to Mr. S. S. ( ) C.I.Ly.
8. One copy.

✓VR

~~6/10/97~~  
~~3/12/97~~

I Court.

TYPED BY:

CHECKED BY:

COMPARED BY:

APPROVED BY:

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH AT HYDERABAD

THE HON'BLE MR.JUSTICE.  
VICE-CHAIRMAN

And

THE HON'BLE MR.H.RAJENDRA PRASAD :M(A)

DATED:- 21/11/97

ORDER/JUDGMENT.

M.A.,/RA.,/C-A.No..

in

O.A.No. 1226/97

T.A.No.

(W.P. )

Admitted and Interim directions issued.

Allowed

Disposed of with Directions.

Dismissed.

Dismissed as withdrawn

Dismissed for default

Ordered/Rejected

No.order as to costs.

