

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH:  
AT HYDERABAD

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O.A. No. 1673 of 1997

Date of Decision: 19.12.1997

Between:

J. Yadaiah

.. Applicant

AND

The General Manager,  
Ordnance Factory Project,  
Post: Eddumailaram,  
District: Medak (A.P.) 502 205.

.. Respondent

Counsel for the applicant: Mr. P. Naveen Rao

Counsel for the Respondents: Mr. V. Rajeswar Rao

CORAM:

THE HON'BLE SRI H. RAJENDRA PRASAD: MEMBER (ADMN.)

ORDER

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

for Mr. P. Naveen Rao

1. Heard Mr. Phaniraj/ for the applicant and Mr. V. Rajeswar Rao on behalf of the Respondents.

2. The applicant claims to be the son of a land displaced person, J. Lakshmaiah, whose land admeasuring 2 acres was acquired by the Government in connection with the establishment of Ordnance Factory Project. He further claims that his name figured in the 1st list of candidates sponsored by the employment exchange. This requires verification. The complaint of the applicant is that despite this, the respondents have not sent a call letter to him. If this is so, the following statement in Para-5(d) of the O.A. is not understood:

*[Signature]*

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"It is highly unreasonable to hold that the status of Land Displaced Persons is disputed of this distance of time, when all along his name is shown as a dependent of Land Displaced Person."

From this it is not clear who is disputing his status 'at this distance of time' since no papers have been produced in support of such dispute. It is also not clear as to where or in which document his name has 'all along' been shown as dependent of Land Displaced Person. "

4. The applicant claims that the land acquired by the Government was standing in the name of the joint family to which he belongs, and also that he was a dependent thereof. It is for the applicant to show to the authorities that he belongs to a joint family and that his name is shown in some valid document as a dependent in the joint family.

5. No cause of action has actually arisen since it is only his impression that the Respondents are going to conduct further recruitment in January, 1998. This was the submission made by Mr. Satyanarayana on behalf of the respondents. He states that the OA is, for that very reason, not maintainable.

6. Incidentally, it is noticed in a number of cases of this nature, that applicants are coming up with apparently questionable claims for employment under Land Displaced Persons quota on the strength of their being the grand-children, sons-in-law or other distant relatives of the family. A family, in terms of Fundamental Rules, would not seem to include relatives such as these. The claim made by such applicants rests on an assertion made on their behalf that the original Land-Loser has the right to nominate any relation of his, other than his own children or wards, and that the authorities are bound to accept the same since the scheme

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envisages the provision of a suitable job to one person per each unit of land so acquired. Secondly, frequent references are made to one or more lists of candidates supposed to have been sponsored by the employment exchange or by the Revenue Authorities. Thirdly, there appears to be a group of applicants in respect of whom <sup>there</sup> might exist a dispute, or at least a doubt, as regards the original ownership of the land which may have been so acquired.

7. In view of the fact that these arguments crop-up repeatedly in cases of this nature, it would be necessary to ask the Respondents to file a detailed counter explaining their <sup>interalia</sup> position on each of these aspects. It could be done by them in any of the pending cases of this type where a counter affidavit has <sup>not</sup> been filed yet. Also, it would be necessary to have a copy of the relevant scheme for the record. This shall also be filed along with such counter(s).

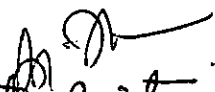
8. Reverting to the cases at hand the OA is disposed of with the direction that the Respondents shall examine the claim of the applicant in the light of his eligibility, vis-a-vis the provisions of the relevant scheme. This may be done within <sup>from today</sup> 60 days and a decision communicated to the applicant soon thereafter.

Thus the OA is disposed of at the admission stage.

  
(H. RAJENDRA PRASAD)  
MEMBER (ADMN.)

Date: 19th December, 1997

Dictated in the open court

  
Deputy Registrar

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O.A. 1673/97.

To

1. The General Manager,  
Ordnance Factory Project,  
Post Eddumailaram, Dist. Medak A.P. 205.
2. One copy to Mr. P. Naveen Rao, Advocate, CAT. Hyd.
3. One copy to Mr. V. Rajeswar Rao, Addl. CGSC. CAT. Hyd.
4. One copy to HRP. M. (A) CAT. Hyd.
5. One copy to D. R. (A) CAT. Hyd.
6. One spare copy.

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29/12/97  
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I. Court

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CHECKED 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: 19-12-1997

ORDER/JUDGMENT:

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

in

O.A.No.

1673/97.

T.A.No.

QW.R

Admitted and Interim directions  
Issued.

Allowed.

Disposed of with direction

Dismissed.

Dismissed as withdrawn

Dismissed for Default.

Ordered/Rejected.

No order as to costs.

pvm.

9/12/97

केन्द्रीय प्रशासनिक अधिकरण Control Administrative Tribunal देखण/DESPATCH 26 DEC 1997 हयराबाद न्यायपीठ HYDERABAD BENCH
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