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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: '

HYDERABAD

O.A.No.869 of 1999.

DATE OF DECISION: 31-8-2000

Between:

N.Yadagiri.

...Applicant

and

The General Manager,
Ordnance Factory Project,
Ministry of Defence, Govt. of
India, Eddumailaram, Medak
District, A.P.

...Respondent

COUNSEL FOR THE APPLICANT :: Mr.P.Kishore Rao

COUNSEL FOR THE RESPONDENTS : Mr.K.Narahari

CORAM:

THE HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN

: O R D E R :

(PER HON'BLE SRI JUSTICE D.H.NASIR, VICE CHAIRMAN)

1. The question involved in this OA is whether the applicant is entitled to be given the benefit of employment in the respondent Ordnance Factory under the Land Displaced Persons quota on the ground that the land bearing Survey No.311/2 of Indrakaran Village to an extent of Acres 3.17 was acquired by the Government of Andhra Pradesh for the purpose of establishing Ordnance Factory at Eddumailaram.

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2. The applicant's claim is contested by the respondent on the ground that an employment has already been provided to one Sri Sattaiah under the Land Displaced Persons quota in respect of Sy.No.311/2, as stated above. It is also contended by the respondent that the applicant is not entitled to claim employment under the said Scheme after the lapse of more than 15 years from the date of acquisition. The applicant's claim is seriously hit by the principles of laches, according to the respondent.

3. In paragraph 4 (c) of the OA, the applicant mentions that as his father was over-aged and he (applicant) had attained the age of majority, the applicant registered his name with the Employment Exchange on 23-6-1997 bearing Registration No.M1/1997/04750. However, since the benefit under the Scheme was not made available to him, the applicant made a representation on 5-1-1999 requesting the respondent to provide employment to him.

4. The respondent seriously disputed the claim advanced by the applicant mainly on the ground that an extent of land measuring 3.17 acres was acquired from one Sri N.Narasimulu, s/o Sri N.Mallaiah, belonging to Survey No.311/2 of Indrakaran Village of Medak District and that from the list of Land Displaced Persons received from the Revenue Divisional Officer of Medak District, the following were shown to be the dependants of the Patta Holder Sri N.Narasimulu:-

1. Sri N.Narasimulu, s/o Sri Mallaiah.
2. Sri Sattaiah, s/o Sri Mallaiah, and
3. Sri Mallaiah.

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5. The learned Standing Counsel Mr.K.Narahari for the Respondent pointed out that the name of the applicant was not available in the list of Land Displaced Persons forwarded by the Revenue Divisional Officer, Sanga Reddy. He further submitted that in accordance with the understanding reached between the Central Government and State Government officials in the meeting held on 20-5-1982, one person belonging to the Patta of Sri N.Narasimulu by name Sri Sattaiah, s/o N.Mallaiah had been appointed as Labourer (Un-skilled) in the respondent Factory on 15-6-1994 and in accordance with the policy of one patta - one job, the employment was provided to Sri Sattaiah by the respondent Factory, and therefore, according to the learned Standing Counsel, the applicant's claim for employment under LDPs quota in the respondent Factory was not maintainable. Mr.Narahari further submitted that there was no agreement by the Central Government for appointing all land displaced persons in the respondent Factory. He invites our attention to Annexure R-I to the reply statement containing the minutes of the Recce Board Meeting held on 20-5-1982 between the officials of the Central Government and State Government. From page 17 of the said minutes, it was recorded that the only decision that was taken was to provide priority of employment to LDPs at the rate of one member from each Patta. The relevant extract from the minutes of the meeting held on 20-5-1982 in Para 11.4 is reproduced hereunder:-

"11.4 Employment opportunities to displaced persons

The District Collector stated that in accordance with the State Govt. policies,

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it is necessary that employment opportunities should be provided to at least one member of each family whose land has been acquired. He stated that tentatively there are 672 patta holders whose lands have been notified for acquisition. Therefore priority should be given for employment of one member each of 672 patta holders."

6. It could thus be seen that the applicant is not entitled to claim employment under LDP quota having regard to the unambiguous statements made in the aforesaid minutes that priority should be given for employment of one member each of 672 patta holders. In the instant case, since Sri Sattaiah had already been provided with employment under the said Scheme, the present applicant seeking employment in respect of Survey No.311/2, cannot be entertained..

7. It is pertinent to note that the Revenue Divisional Officer, Sanga Reddy by Certificate dated 22-6-1998, certifies that an extent of Acres 3.17 guntas in Sy.No.311/2 situated at Indrakaran (V) of Sanga Reddy (M) pertaining to Sri M.Narsimlu s/o Mallaiah, r/o Indrakaran(V), was acquired for establishment of O.D.F. at Eddumailaram, vide Award Proc.No.D3/14/82, dated 4-8-1984.

8. During the course of arguments, the learned Standing Counsel Mr.K.Narahari for the Respondent also pointed out that Sri N.Narsimlu, father of the applicant, did not furnish the names of his wife and children for the purpose of enabling the respondents to provide employment under the said Quota. The Counsel for the Applicant Mr.P.Kishore Rao submitted that the

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applicant N.Yadagiri was minor at the relevant time in the year 1984 when the Scheme was formulated, and therefore, the claim could be advanced only after the applicant attained the age of majority. We are unable to appreciate this submission made by the learned Counsel for the Applicant. Sri N.Narsimlu could have given his own name for the purpose of employment under the Scheme if his son N.Yadagiri, the present applicant, was minor at that time.

9. The applicant filed his rejoinder affidavit on 27-9-1999 in support of the claims advanced by him. In paragraph 2 of his rejoinder, he states that his father (N.Narsimlu) was the Patta holder of agricultural land in Sy.No.311/2 of Indrakaran Village. The property was developed by his father after partition of ancestral property among the members of the family and that the applicant's grand-father along with his younger son Mr.Sattaiah got the land in Sy.No.310 as their share of the property. It is also stated in paragraph 2 of the rejoinder affidavit that at the time of partition of the family property, Mr.Sattaiah was a minor. Thus, according to the applicant, his father was the exclusive owner of land in Sy.No.311/2 and also Mr.Mallaiah or Mr.Sattaiah had no right whatsoever in the said property. The applicant, however, fails to substantiate this submission and infact the material papers, which have come on record either at the instances of the applicant or at the instances of the respondent, ^{do not corroborate the applicant's claim.} ~~This~~ version of the applicant as made in paragraph 2 of the rejoinder affidavit do not render any assistance to the applicant's say. A xerox copy of the extract from the Revenue Register discloses at Serial

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No.29 that Nalkundi Narsimulu, s/o Mallaiah is ⁱⁿ ~~shown as~~ ^{was} the Patta holder of the land in question. In Column no.4 against the name of N.Narsimulu, the following particulars are given:-

"Narsimulu, s/o Mallaiah
Sattaiah, s/o Mallaiah
Mallaiah"

10. It is also pertinent to note that the employment under the Scheme was provided to Mr.N.Sattaiah, vide appointment letter dated 5-6-1984, by which N.Sattaiah was offered an appointment as Casual Labourer 'B' for a period of 89 days in Ordnance Factory Project, Hyderabad on an initial pay of Rs.196/- per month in the scale of Rs.196-232/-.

11. It is true that in the appointment letter dated 5-6-1984, ^{no} it is ~~where~~ clarified that the employment was provided to N.Sattaiah under LDP Quota. In Part-II of the Office Order No.0504, the name of Mr.N.Sattaiah is mentioned at Serial No.2. In the third column 15-6-1984 is shown as the date of his appointment. In column 5 the Section where he was posted is shown and in the last column of remarks, it is mentioned that "against an existing vacancy".

12. These two documents being appointment letter dated 5-6-1984 and information given in the tabulated form annexed to the said appointment letter, shake our ⁱⁿ ~~confidence~~ ^{conscience} whether Sattaiah was appointed under the Land Displaced Persons Scheme at all.

13. The applicant has produced at page 16 of the additional material papers a Certificate issued by the Revenue Divisional Officer, Sanga Reddy dated 24-7-2000, in which it is certified that as per their office record i.e., Award Proc.No.D3/14/82,

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dated 4-8-1984, Sy.No.311/2, extent 3.17 acres was notified in the name of Sri Naikoti Narsimlu, s/o Mallaiah, r/o Indrakaran (V) and the land was acquired for the purpose of establishment of Ordnance Factory Project and land compensation was also paid to (1) Bhuma Narsimulu, s/o Mallaiah, and (2) Bhuma Sathaiah, s/o Mallaiah as awardees.

14. The applicant's case that Survey No.311/2 was not under acquisition stands falsified by the Certificate dated 24-7-2000 and defeats the claim advanced by the applicant that Sy.No.311/2 was not under acquisition at all. This is also substantiated by a Certificate appearing at Annexure.A-4 at page 9 to the OA dated 22-6-1998, which certifies that an extent of acres 3.17 guntas in Sy.No.311/2 was acquired for establishment of Ordnance Factory.

15. In the above view of the matter, the mere fact that Sri Sattaiah is shown to have been appointed in a vacancy is not of such a conclusive character that a finding could be straightaway recorded on that basis that the concerned Survey Number was 311/2 not acquired or that the employment was not provided to Sri Sattaiah under LDP quota in relation to Sy.No. 311/2. Apart from the same, the fact that the demand made by the applicant for allowing him the employment under LDP quota is made at such a late stage that the genuineness of the demand raised by the applicant falls under cloud.

16. There is, therefore, no reliable evidence available on the record of the case, which could satisfy the Tribunal that the demand is genuine or that it is legal and proper.



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Principles of equity also stand violated on account of the fact that more than 15 years period had elapsed ^{after} before the right of action, if any, arose in favour of the applicant.

17. With the above situation in view, I am constrained to observe that the applicant has failed to establish his case for employment under the LDP quota. Hence, the OA deserves to be dismissed and it is hereby dismissed. No costs.

D.H. Nasir
(D.H.NASIR)
VICE CHAIRMAN

DATED: this the 31st day of August, 2000

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IN THE CENTRAL ADMINISTRATIVE TRIBUNAL: HYDERABAD BENCH: HYDERABAD.

COPY TO

1. HDHNU
2. HRRN (ADMN.) MEMBER
3. HBSJP (JUDL.) MEMBER
4. D.R. (ADMN.)
5. SPARE
6. ADVOCATE
7. STANDING COUNSEL

1ST AND 2ND COURT

TYPED BY _____ CHECKED BY _____
COMPILED BY _____ APPROVED BY _____

THE HON'BLE MR. JUSTICE D.H. NASIR
VICE-CHAIRMAN

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

THE HON'BLE MR. B.S. JAI PARAMESHWAR
MEMBER (JUDL.)

DATE OF ORDER

31/8/00

MR./RA/CP.No.

IN
OA.No.

869/24

ADMITTED AND INTERIM DIRECTIONS
ISSUED

ALLOWED

C.P. CLOSED

R.A. CLOSED

DISPOSED OF WITH DIRECTIONS

DISMISSED

DISMISSED AS WITHDRAWN

ORDER/REJECTED

NO ORDER AS TO COSTS

6 Copies.

केन्द्रीय प्रशासनिक अधिकरण
Central Administrative Tribunal
प्रेषण / DESPATCH

- 7 SEP 2000

हैदराबाद न्यायपीठ
HYDERABAD BENCH