

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH AT HYDERABAD**

OA.No.021/1070/2015
Dated : 24/07/2018

BETWEEN

M. Ashok Kumar,
S/o. M. Vema Reddy,
Aged about 31 years,
Occ: Unemployee,
R/o. H.No.1-102, Pagunta Village, Darur Mandal,
Gadwal Taluk, Mahaboobnagar District.

....Applicant

AND

1. Union of India rep. by
The General Manager,
South Central Railways,
Rail Nilayam, Secunderabad.
2. The Chief Personnel Officer,
South Central Railway, Rail Nilayam,
Secunderabad.

.....Respondents

Counsel for the Applicant : Mr. K. Siva Reddy

Counsel for the Respondents : Mr. D. Madhava Reddy, SC for Rlys

CORAM :

THE HON'BLE MR. JUSTICE R .KANTHA RAO, JUDICIAL MEMBER
THE HON'BLE MR. B.V. SUDHAKAR, ADMIN. MEMBER

ORAL ORDER
(Per Hon'ble Mr.Justice R.Kantha Rao, Judicial Member)

Heard Mr. K. Siva Reddy, learned counsel for the applicant and Mr. D. Madhava Reddy, learned Standing Counsel for Respondents.

2. One Shri Vema Reddy, the father of the applicant is the land owner. At the instance of Railways, the Government of State of Andhra Pradesh acquired 8 acres of land under the provisions of Land Acquisition Act for construction of Broad gauge line between Gadwal and Raichur. Notification for acquisition of the land was issued in the year 2004. The necessary compensation as per the extant laws was paid to him as per Award No.1/2008 dated 2.2.2008 by the competent authorities under Land Acquisition Act. The Railway Board vide RBE 99/2010 dated 16.7.2010 issued instructions in supersession of all the previous instructions on the appointment of land losers affected by land acquisition for Railway projects. The criteria for selection, etc., have been detailed therein. It is submitted that the Applicant filed O.A. No.1086/2013 before the Tribunal seeking appointment and the Tribunal vide order dated 11.9.2013 directed the Applicant to make representation within two weeks and the Respondents were directed to dispose of the same within two months with a reasoned order as per rules. Thereupon, the Applicant made a representation dated 30.9.2013 which was rejected by the Respondents by the impugned order dated 20.2.2014. Aggrieved by the said order, the Applicant has filed the present O.A.

3. Now the point for determination in the OA is whether the impugned order passed by the Respondent Railways requires to be set aside and direction needs to be issued to them to consider the case of the applicant for

providing employment under land losers' quota.

4. The acquisition of the land measuring 0.20 Gts (dry land), 3.28 Gts (ID land) and 2-19 ½ Gts in Kondapur Village, Dharur Mandal from the father of the applicant for the purposes of the Projects of Railways is not in dispute. The Respondents in their rejection order stated that after acquisition also the land of 2.02 acres is still available with the applicant's family. The question would be, even if the applicant's family has some sustenance, whether the employment to the applicant under Land losers' quota can be provided by the Respondents. It is to be decided basing on the Sl. Circular No.61/2006.

5. It is also the contention of the Respondents that the land has been acquired in the year 2004 and after a lapse of 12 years, considering the case for appointment under land loser quota is beyond the scope of Railway Board's letter RBE 99/2010, dated 16.07.2010 and also that the Serial Circular No.61 of 2006 only states that offer of appointment to 'dis placed persons' should be exception rather than a rule.

6. Basing on these stipulations, the Respondents seem to have rejected the request of the applicant for employment under Land Losers' quota. The Serial Circular No. 61 of 2006 does not indicate that if some land remained with the Land Loser and they have other source of income for their sustenance, they shall be denied appointment under Land losers' quota. Therefore, we are of the view that the rejection order passed by the 2nd Respondent is not in accordance with Sl. Circular No.61/2006, the reason being even if some land is left over with the Land losers and they are getting some petty amount as monthly income, the appointment under Land losers' quota cannot be denied.

7. Further, the relief cannot be rejected to the applicant on the ground of delay and latches and also on the ground that the applicant's family has some land even after acquisition and the applicant's family is getting Rs.36,000/- per annum from the available land and that the applicant is also working as commission agent and getting Rs.2,000/- p.m.

8. As far as the other eligibility criteria is concerned, the Respondents did not mention in the rejection order that the applicant was otherwise ineligible for employment.

9. Therefore, we are of the considered view that the rejection order is not in accordance with the Sl. Circular No.61 of 2006 and also RBE No. 99/2010 and the same is liable to be set aside. Accordingly the impugned order passed by the 2nd Respondent rejecting the employment to the applicant under the Land Losers quota is hereby set aside. The Respondents are directed to consider the case of the applicant for a suitable post under Land Loser quota according to Sl. Circular No.61/ 2006 and pass appropriate orders within a period of two months from the date of receipt of a copy of this order.

10. The Original Application is allowed to the extent indicated above. No order as to costs.

(B.V. SUDHAKAR)
ADMIN. MEMBER

(JUSTICE R. KANTHA RAO)
JUDL. MEMBER

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