

**CENTRAL ADMINISTRATIVE TRIBUNAL
HYDERABAD BENCH
HYDERABAD**

OA.No.021/1049/2015

Dated : 25/07/2018

BETWEEN

Kori Sridhar,
S/o. Kori Kesanna,
Aged about 30 years,
Occ: Unemployee,
R/o. H.No.6-4-9, Mohimella street, Gadwal Town,
Mahaboobnagar Dist.

....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. V. Vinod Kumar, 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. V. Vinod Kumar, learned Standing Counsel for Railways.

2. One Smt. Nagamma, the grandmother of the applicant is the land owner of 27 guntas. At the instance of Railways, the Government of State of Andhra Pradesh acquired 23 guntas 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 of Rs.33,350/- as per the extant laws was paid to her vide Award No.4/2006 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.1360/2013 before the Tribunal seeking appointment and the Tribunal vide order dated 13.11.2013 directed the Respondents to dispose of the pending representation dated 5.3.2013 of the applicant within six weeks with a reasoned order as per rules. The Respondents without considering the latest circulars by the impugned order dated 24.2.2015/ 05.03.2015. 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 0.23 Gts in Survey No.67/1 in SangalaVillage of Mahaboob Nagar district from the grandmother 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 0.04 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 'displaced 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. 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.

8. 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 Losers' 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.

9. 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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