

**IN THE CENTRAL ADMINISTRATIVE TRIBUNAL  
HYDERABAD BENCH: HYDERABAD**

OA./21/637/2015  
Dated:18/12/2018

BETWEEN:

U. Mallesham,  
S/o. Kistaiah,  
Aged about 34 years,  
Unemployed,  
R/o. H.No. 4-79, Shivampet Village,  
Pulakal Mandal, Medak,  
Medak District.

..... Applicant

AND

1. The Government of India,  
Rep. by its Ordnance Factory Board,  
10- A. S.K. Bose Road,  
Kolkata – 700 001.
2. The General Manager,  
Ordnance Factory Project,  
Yeddumailaram,  
Medak District.

..... Respondents

Counsel for the Applicant : Mr. N. Ramesh, Advocate

Counsel for the Respondents : Mrs. K. Rajitha, Sr. CGSC

CORAM

Hon'ble Mr. B.V. Sudhakar, Admin. Member

**ORAL ORDER**

{Per Hon'ble Mr. B.V. Sudhakar, Admin. Member}

Heard Ms. P. Kavitha representing learned counsel for the applicant and Mrs. K. Rajitha, Sr. Central Government Standing Counsel for the Respondents.

2. The OA is filed rejecting the claim of the applicant for appointment under Land Displaced Persons (LDP) Quota.

3. The brief facts of the case are that Government of India while setting up the Ordnance Factories in Medak has acquired 4.26 Acres land under Survey No.40,41 belonging to the applicant. For having acquired land, a rehabilitation package has been worked out by Government of India. According to the said package, one member of the LDP family would be provided employment in the Ordnance Factory, but the respondents have not been providing job to the applicant. Despite several representations, the respondents have been appointing persons from other places. Aggrieved over the same the OA has been filed.

4. The contention of the applicant is that the Revenue Divisional Officer has enrolled his name under Land Displaced category vide Letter No.B-3/2940/2003 dated 03.01.2004. Therefore, since his land has been taken, the respondents are under obligation to provide job to him. The applicant also contends that there are directions from this Tribunal and Hon'ble High Court in regard to similarly placed individuals, yet the respondents are recruiting candidates as per their choice. The applicant approached this

Tribunal in OA.419/2013 wherein the respondents were directed to consider the case of the applicant under LDP quota. Respondents accordingly considered and rejected his request. The Hon'ble High Court in WP. No.3882/2007 also directed the respondents to consider the cases of the LDP quota candidates if they are qualified along with others. Even then there is no positive response from the respondents. The applicant claimed that he is ITI qualified candidate and is better placed to be absorbed by the respondents.

5. The respondents resisted the contention of the applicant by stating that this is 2<sup>nd</sup> round of litigation. They have stated that under Survey No.40, 41 which was quoted by the applicant for gaining employment under LDP quota, an individual by name Sri Ram Narayan, S/o. Sri. Vittal was already appointed as Labour w.e.f.01.01.1992. Therefore, respondents have discharged the obligation set on them, under the rehabilitation package. This was also informed vide impugned order dated 09.12.2013 in compliance to the orders of the Tribunal in OA.491/2013. More than 30 years have elapsed, in acquiring land for the Ordinance Factory in 1982. The entire process of identification of land, beneficiaries etc has been done in consultation with District Collector and Revenue Authorities. Further the Ordinance Factory has published an open advertisement for recruitment of Labour as an outcome of SLP.No.21454/2008 filed before the Hon'ble Supreme Court of India. It is submitted that to provide employment under Government of India, fundamental principle enshrined in the constitution

i.e. equality of opportunity in employment has to be adhered to. The project has gone in to production long time back and there cannot be a back door entry in public service under LDP for indefinite period of time. The Hon'ble High Court of A.P while disposing of PIL in order dated 05.08.2013 has directed consideration of the case of petitioner for compassionate appointment , if possible.

5. Heard both the counsel. The counsel argued in tune with the written submissions made.

6. The facts of the case reveal that the land of the applicant has been acquired for setting up Ordinance Factory, vide Certificate dated 03.01.2004 of the Revenue Divisional Officer, Sanga Reddy. The applicant was also informed through RTI application dated 20.03.2014 that as per available records, Sri. B. Ram Narayana, S/o. Sri. Vittal was appointed as Labourer w.e.f 01.01.1992 against the very same Survey No. 40, 41 of Yeddumailaram Village. This Tribunal has disposed of similar plea from the applicant in OA.491/2013 directing the respondents to consider his case. The respondents have duly considered and rejected for reasons stated in the impugned order. As per policy, one eligible member from the family whose land was acquired, under Survey No.40,41 was given the job. Against the same Survey Number, claim is being made by the applicant, which is incorrect. The applicant has to approach the Revenue Authority to verify as to how under the same Survey No. 40, 41 another applicant has been accommodated. This verification may bring out facts whether somebody else was provided with the job by showing his Survey No.40, 41

surreptitiously. It is also seen that the individual who was provided job

under Survey No.40, 41 was not impleaded in this case. It may not be fair to adjudicate the issue without giving opportunity to hear him. That apart, the facts are not in favour of the applicant. As the respondents have discharged their responsibility by providing job to one member of the family which has allowed land in Survey No.40, 41 to be acquired, there is no scope for this Tribunal to intervene on behalf of the applicant. Therefore, the OA is dismissed. However, an opportunity is given to the applicant to approach this Tribunal, to file a fresh OA, in case if he were to garner new facts substantiating his claim after verifying with the Revenue Authorities.

(B.V.SUDHAKAR)  
ADMN. MEMBER

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