

HONOURABLE SRI JUSTICE P. NAVEEN RAO

WRIT PETITION Nos. 4925,1677, 3201, 8594 & 8595 of 2012

Date :15.12.2015

Between :

C Naresh S/o Chenna Reddy
R/o Erladinne village, Mahaboobnagar dist

Petitioner

And

The Govt of A P
Rep by its Principal Secretary,
I & CAD Dept, Secretariat, Hyderabad and others

Respondents

The Court made the following:

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COMMON ORDER:

Petitioners in these writ petitions, challenge Clause 3 of Recruitment Notification dated 17.10.2011.

2. Heard learned counsel for petitioners and Sri G Vidyasagar learned senior counsel for respondent corporation.

3. The then APGENCO issued notification dated 5.1.2011 to recruit 1755 Junior Plant Attendants by method of direct recruitment. In continuation of the said notification, supplementary notification was issued on 17.10.2011. Notification prescribes that 50 % of the vacancies are earmarked to be filled up by land losers whose lands were acquired for the purpose of establishing power generation station of GENCO in accordance with G.O. Ms No. 98 dated 15.4.1986.

4. Petitioners are the candidates who have responded to the said notification. According to learned counsel for petitioners, the lands of petitioners were acquired for the purpose of establishing power generating station of GENCO, Government issued orders in G O Ms No.98 dated 15.4.1986 providing for reservation in employment in the units established on the lands acquired from the farmers. In accordance with said Government Order, according to learned counsel for petitioners, petitioners are entitled to be considered for provision of employment. He further submits that since land of petitioners was acquired for power generating stations of GENCO and there is no dispute regarding acquisition of the land for that purpose, there is no justification in referring to clauses in G O Ms No. 98 and making it mandatory to fulfill said clauses before seeking to consider the claims of petitioners for provision of employment against 50 % of the vacancies reserved for land losers/displaced persons. Learned counsel, therefore, submits that such action of respondents is illegal, arbitrary and clause 3 of note appended to the supplementary notification dated 17.10.2011 is liable to be set aside and direction be issued for consideration of the claims of the petitioners for employment without insisting for fulfillment of clauses in G.O.Ms.No. 98 dated 15.4.1986.

5. Learned senior counsel representing respondent corporation submits that in view of the commitment given by the State for provision of employment to the families of land losers whose lands were acquired for the

purpose of establishing generation units of the respondent corporation, 50 % of the vacancies in the cadre of Junior Plant Assistant are reserved to be filled up from the eligible family members of land losers. However, since the generation corporation is not competent to assess who is a land loser and in view of the orders in G O Ms No. 98 dated 15.4.1986, the corporation considers only the candidates whose names are included in the list drawn by the District Selection Committee and approved by the State Government and forwarded to the respondent corporation against land losers quota. The respondent corporation received list of land losers dated 18.4.2011 from the District Collector containing 109 names of land losers as approved by the State Government. From out of said list only the claims were processed for consideration for provision of employment against 50 % vacancies reserved for land losers. Learned senior counsel therefore submits that unless the name is recommended by the District Selection Committee, the claim of the individual cannot be considered for appointment against reservation in favour of land losers. None of the names of the petitioners' were sponsored by the District Selection Committee and therefore their names were not considered for selection against the reserved quota.

6. In G O Ms No. 98 dated 15.4.1986, a scheme is formulated which provides additional incentive to land losers who parted with their land for the purpose of establishment of various projects and power generating units. In addition to payment of compensation, Government also made a provision for reservation in employment in government as well as in corporations like respondent corporation. G O Ms 98 envisages that 50 % of the vacancies should be reserved in the post of Junior Assistants/Typists and cadres below, arising in major and minor irrigation and power projects. According to sub clause 3 of para 4, application for appointment by the eligible candidate should be made to the District Collector within one year from the date of actual displacement of the family. Application made within the time stipulated would be processed and after verifying the genuineness of the claim, the District Selection Committee short-lists the eligible persons to provide employment under the scheme. It appears, petitioners or their family members did not apply for provision of employment under the scheme within one year from the date of displacement. Be that at it may, in the list furnished

to the respondent corporation, names of the petitioners were not found and therefore, the question considering the names of the petitioners by the respondent corporation did not arise. That fact is not denied by petitioners.

7. As seen from clause 3 of Note appended to supplementary notification dated 17.10.2011, reservation is provided in furtherance to the scheme evolved in G O Ms No. 98 dated 15.4.1986. Petitioners have not assailed the clause incorporated in G.O.Ms.No. 98 and have also not assailed non inclusion of their names by the District Selection Committee.

The provision of employment under the land loser quota arises out of the scheme formulated by the Government and notified vide G O Ms No.98 dated 15.4.1986. The clause in the recruitment notification only incorporates what is required by G.O.Ms No. 98 dated 15.4.1986. Admittedly, names of the petitioners are not included in the list of eligible persons forwarded to the respondent corporation for provision of employment under the scheme.

I do not see any illegality in prescribing such condition and in the method adopted to select candidates for appointment against vacancies reserved for land losers.

8. For the reasons stated above, I do not see any merit in these writ petitions and accordingly they are dismissed. No costs. Having regard to the same, miscellaneous petitions, if any pending, are closed.

P NAVEEN RAO,J

DATE: 15.12.2015
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HONOURABLE SRI JUSTICE P. NAVEEN RAO

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