

**THE HON'BLE SRI JUSTICE K.C. BHANU
AND
THE HON'BLE SRI JUSTICE M. SEETHARAMA MURTI**

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Writ Petition No.5137 of 2015

ORDER: (per Hon'ble Sri Justice K.C. Bhanu)

The petitioners seek for a writ of Certiorari to quash the orders dated 03.12.2013 of the Andhra Pradesh Administrative Tribunal at Hyderabad passed in OA.No.8474 of 2013.

2. By the aforesaid order, the Tribunal had allowed the OA in terms of the Orders of the Tribunal in OA.No.7917 of 2003 whereunder and whereby the respondents therein were directed to consider the case of the applicant for appointment in terms of G.O.Ms.No.98 Irrigation (Proj.Wing) Department dated 15.04.1986 irrespective of the date of his application or irrespective of the limitation prescribed therein and pass necessary orders.

3. We have heard the learned Government Pleader for Services (I) (Andhra Pradesh) appearing for the petitioners and the learned counsel for the respondents/applicants.

4. Learned Government Pleader for Services (I) (Andhra Pradesh) contended that in terms of G.O.Ms.No.98 dated 15.04.1986 the applicants have not filed any application within one year from the date of displacement and according to her, the applicants are the wards of the persons, who were displaced in the years 1975 and 1977. Therefore, she prays to set aside the impugned order.

5. On the other hand, learned counsel for the respondents herein contended that in view of the Memo No.480-LAR(2)87/2, dated 24.08.1987,

the condition stipulated in G.O.Ms.No.98 in regard to filing of an application within one year has been dispensed with and that a specific plea has been taken by the respondents herein in the OA that that their families were displaced in the years 1975 and 1977 by the time of acquisition of the lands and therefore, the above said G.O.Ms.No.98 has no retrospective application. Hence, he prays to dismiss the writ petition.

6. A perusal of the impugned order would go to show that the Original Application was disposed of at the stage of admission on the ground that it was covered by the orders passed by the Tribunal in OA.No.7917 of 2003 dated 16.07.2007. The relief sought for in the OA was to direct the respondents therein to provide suitable employment to the applicants under displaced persons quota in terms of G.O.Ms.No.98 dated 15.04.1986 and Government Memo No.480-LAR(2)/87/2 dated 24.08.1987. The direction given by the Tribunal is to consider the case of the applicant for appointment in terms of G.O.Ms.No.98 dated 15.04.1986. There is a serious dispute with regard to the actual date of displacement of applicants. As the original application was disposed of at the stage of admission, no opportunity was given to the Government to file a counter affidavit with regard to the factual aspects. The questions - whether or not G.O.Ms.No.98 Irrigation (Proj.Wing) Department dated 15.04.1986 is applicable or Memo No.480-LAR(2)87/2 dated 24.08.1987 is applicable are the matters required to be decided by the Tribunal basing on the factual foundation. Therefore, this Court deems it fit to remand the matter to the Tribunal to consider the matter afresh, on merits after giving an opportunity to the petitioners herein to file counter.

7. Accordingly, the Writ Petition is allowed. The impugned order is set aside and the matter is remitted to the Tribunal with a request to dispose of the OA within a period of four weeks from the date of filing of the counter by the Government. There shall be no order as to costs.

Miscellaneous petitions pending, if any, in this writ petition shall stand

closed.

K.C. BHANU, J

16.04.2015
Vjl

M. SEETHARAMA MURTI, J