

THE HON'BLE SRI JUSTICE A.RAMALINGESWARA RAO

—
WRIT PETITION No.19209 of 2016

ORDER:

It is the case of the petitioners that the Government of Andhra Pradesh acquired vast extent of land in Suraram Village, Paloncha, for construction of Kothagudem Thermal Power Station Stage V in the year 1992. The petitioners lost their land for the said project. When the District Selection Committee headed by the District Collector was constituted in terms of G.O.Ms.No.266, dated 19.09.1994, the petitioners submitted their applications for employment along with necessary certificates. A list was drawn and sent on 16.06.1995 to respondent Nos.2 and 3 through respondent No.5. When no appointment orders were issued in favour of the petitioners, the petitioners along with 64 persons filed W.P.No.1504 of 1997 seeking appointment, and though interim orders were issued, the Writ Petition was dismissed on 06.01.2003. Challenging the same, W.A.No.342 of 2003 was filed and the same was allowed to the extent of 17 persons on 21.04.2003. No relief was granted in favour of the petitioners. The order in the Writ Appeal was challenged in SLP Nos.21301 and 21302 of 2004 by the petitioners, and the respondents also preferred SLP No.14038 of 2004. Ultimately, the Supreme Court disposed of the SLPs by order dated 06.11.2006 with the following observations:

“Normally, a committee constituted to select candidates and prepare a selection list is also empowered to consider the eligibility of the candidates whose cases are considered by the committee. In the instant case, we find that one of the considerations which may weigh with the committee is whether the candidate concerned is a displaced person who was displaced as a consequence of the execution of the project. It is, therefore, not necessary for us to express any opinion in the matter since that is a matter which must be considered by the Selection Committee constituted under the Act. It will be open to the Board to contend that they are not displaced persons and it will equally be open to the concerned persons to contend that they are displaced persons. The final decision must rest with the Selection Committee. In the result, we condone the delay in filing these special leave petitions and dispose of

the same with the aforesaid directions.”

After disposal of the cases by the Supreme Court, final orders of appointment were issued on 08.11.2007 and the petitioners were appointed as Junior Assistants on 29.11.2007. However, by the time of their appointment, they were aged about 46 years and due to the delay caused by the respondents they lost service. Since the delay was due to the inaction of the respondents, the present Writ Petition is filed seeking notional seniority from the date of interim orders passed in W.P.No.1504 of 1997 dated 21.03.1997 and monetary benefits by treating the petitioners as in service from 21.03.1997.

It is clear from the above facts that the petitioners belong to land losers category. The District Selection Committee was constituted under the Chairmanship of the District Collector in terms of G.O.Ms.No.266, dated 19.09.1994. When no orders of appointment were given, the petitioners filed W.P.No.1504 of 1997, which was dismissed on 06.01.2003. The Writ Appeal against the said order, being W.A.No.342 of 2003, was partly allowed in respect of 17 persons on 21.04.2003, challenging which the petitioners and the respondents preferred SLPs before the Supreme Court, which disposed of the petitions as aforesaid. Ultimately, the petitioners were appointed on 29.11.2007 and have been continuing as such. Merely because the petitioners belonged to land losers category, they cannot seek notional promotion with retrospective effect from the date of eligibility without rendering any service.

In the circumstances, this Court sees no ground to entertain the present Writ Petition, and the Writ Petition is, accordingly, dismissed at the admission stage. The miscellaneous petitions pending, if any, shall stand closed. There shall be no order as to costs.

(A.RAMALINGESWARA RAO, J)

16.06.2016
vs