

HON'BLE SRI JUSTICE S.V.BHATT

W.P.No.3711 OF 2006

ORDER:

The petitioner prays for the following relief:

.....this Hon'ble court may be pleased to issue an order or direction more particularly one in the nature of writ of Mandamus declaring the inaction of the respondents herein in not providing suitable post to the petitioner equivalent to Junior Assts/Typist and the cadres below under displaced persons quota in accordance with G.O.Ms.No.98, Dtd:15-04-1996 as illegal, arbitrary and consequently direct the respondents herein to provide a suitable post to the petitioner herein equivalent to Junior Assts/Typist and the cadres below in Major & Medium Irrigation and Power Projects under displaced persons quota in accordance with G.O.Ms. No.98, Dtd: 15-04-1996 and pass such other order or orders.....”

The Government Pleader for Irrigation and Command Area Development places reliance upon the following paragraphs of the counter affidavit.

“As seen from the records available in the Spl.Dy.Collector LA Unit SRSP Pochampad that Sri Kummari Rajanna father of Sri R.Sreeman Narayana's land was submerged in the SRSP vide Award No.13/89-90 dated 30.3.1990. Thus the date of Award is 30.3.1990. But R.Sreeman Narayana applied for appointment on 27.7.1987 itself i.e., well before the award was passed which is contrary to the G.O.Ms.No.98 dated 15.4.1986.

It is evident that as on 27.7.1987 i.e., at the time of submission of application to the District Collector, Nizamabad he does not possess the particulars like date of award, certificate of award its No. etc., in view of the fact that on 26.5.1993, he has requested the Special Deputy Collector, L.A Unit, SRSP., Pochampad for issuing submergence and compensation certificate. Further, in the affidavit given by him, the applicant has clearly mentioned therein that he has not applied the said certificate previously. Thus, Si R.Sreeman Narayana has not submitted the application seeking appointment within a period of one year from the date of award which is

30.3.1990.

xxxxXXXXXxxxx

I submit that the Govt. I & CAD Dept vide their Memo No.37498/LAIV-R-RII/2005-I dated 22.12.2005 have clarified that "In case of eligible displaced persons whose lands and structures acquired under Irrigation projects prior to the issue of G.O.Ms.No.98 dated 25.4.1986 instructions were issued to the District Collectors to forward the applications of the displaced persons to the concerned authorities for appointment even though they have applied for appointment after one year of their displacement vide Memo No.480-LAR(2)/87-2 dated 24.8.1987. Because, by that time, when G.O.Ms.No.98 came into force, the displaced persons might have crossed the time bound period of one year to apply for appointment, and not to go on receiving such applications by the District Administrators/Project Administrator after elapsed period of decades. The applicant has not submitted the application within the specified period.

The date of birth of Sri R.Sreeman Narayana as per the Secondary School Certificate issued by the Board of Secondary Education A.P. Hyderabad vide No.0455996 is 05.06.1970. Hence on the date of submission of his application i.e., 27.7.1987, the age of Sri R.Sreeman Narayana is 17 years 1 month 22 days and so he is a minor. As such, the petitioner is not eligible for any appointment in the Govt. Service."

The stand of respondents is taken on file.

After perusing the stand of the respondents taken in the counter-affidavit, this Court is satisfied that the petitioner does not fit into any of the criteria fixed by the respondents for appointment into government service.

Therefore, the writ petition is dismissed. There shall be no order as to costs.

Consequently, miscellaneous petitions, if any pending, stand closed.

S.V.BHATT, J

Dt.18.08.2016

Lrkm