

THE HON'BLE SRI JUSTICE V. RAMASUBRAMANIAN

AND

THE HON'BLE SRI JUSTICE G. SHYAM PRASAD

WRIT PETITION No. 41195 of 2016

ORDER: (*Per VRS,J*)

Aggrieved by the dismissal of his original application by the Central Administrative Tribunal, seeking appointment under the quota for Land Displaced Persons, the writ petitioner is before us.

2. Heard Mr. K. Sudhakar Reddy, learned counsel for the petitioner.

3. Admittedly, the land belonging to the father of the petitioner was acquired, apparently with his consent, way back in the year 1983. An award itself was passed in award No.5/83, dated 13.10.1983. It appears that the father of the petitioner died in a road traffic accident on 26.01.1988, when the petitioner was 3 years old. In other words, it means that the petitioner was not born, when the land was acquired.

4. Claiming that he had attained majority in the year 2003, and that, therefore, his application was not belated, the petitioner approached the Tribunal. But, the Tribunal dismissed his application, on the ground that only two schemes were floated for providing a

quota for land losers, one in the year 1985 and another in the year 1997, and that since the members of the petitioner's family did not respond to those notifications, the scheme itself had come to an end. Aggrieved by the said order, the petitioner is before us.

5. The thrust of the arguments of Mr. K. Sudhakar Reddy, learned counsel for the petitioner, is (a) that the Tribunal omitted to take note of the scheme admittedly floated on 24.05.2001 by the Railways, and (b) that this Court has already held in W.P.No.22666 of 2000 that none of these schemes provided an outer time limit for making a claim for appointment.

6. We have considered both the above submissions.

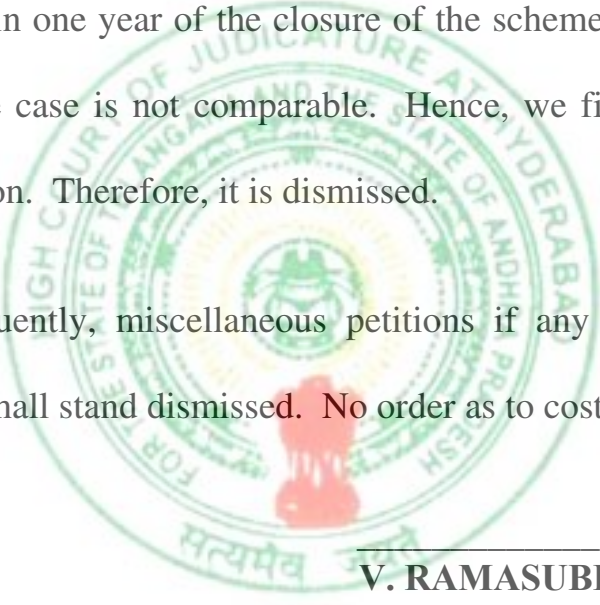
7. There are no disputes on facts. The land was acquired way back in 1983 and the first notification inviting applications for appointment was issued on 12.07.1985. The petitioner's father was alive at that time and he died only in 1988. The second notification was issued on 12.12.1997. As rightly observed by the Tribunal, the scheme cannot be kept alive perennially.

8. It is true that another scheme was floated on 24.05.2001, as admitted in the reply filed by the Railways before the Tribunal. But, in the same reply, the Railways have stated that the scheme was

withdrawn and treated as cancelled on 09.11.2006. Therefore, the omission of the Tribunal to take note of the scheme floated in 2001 is of no consequence.

9. In the judgment of the Division Bench in W.P.No.22666 of 2000, the grand-son had approached the Tribunal way back in 1998. The acquisition was in 1981. Therefore, at least the period lost was only 15 years, when compared to the period lost in this case. Moreover, the individual in W.P.No.22666 of 2000 had approached the Tribunal within one year of the closure of the scheme on 12.12.1997. Therefore, the case is not comparable. Hence, we find no merits in the writ petition. Therefore, it is dismissed.

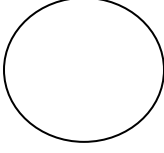
Consequently, miscellaneous petitions if any pending in the writ petition shall stand dismissed. No order as to costs.



V. RAMASUBRAMANIAN, J

G. SHYAM PRASAD, J

28th November, 2016
cbs



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