

IN THE HIGH COURT OF JUDICATURE AT HYDERABAD

**FOR THE STATE OF TELANGANA AND THE STATE OF
ANDHRA PRADESH**

**WEDNESDAY, THE SEVENTEENTH DAY OF AUGUST,
TWO THOUSAND AND SIXTEEN**

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Present

HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.6549 of 2011

Between:

E. Yaddi Reddy, s/o. Sri Ram Reddy (Late), Aged about 52 years,
occ:LDP Society Worker, R/o. Bhanur Village, Medak District and
another.

.. Petitioners

AND

The Union of India, rep. by its Secretary, Ministry of Defence,
South Block, New Delhi and others.

.. Respondents

The Court made the following:

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THE HON'BLE SRI JUSTICE P.NAVEEN RAO

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WRIT PETITION No.6549 of 2011

ORDER

Petitioners claim to be working in Bharath Dynamics Limited, Bhanur (respondent company) as members of LDP LCCS Limited. According to petitioners, they have been working in the respondent company since 1991 and engaged as a consequence of memorandum of understanding dated 01.01.1991 and in accordance with the memorandum of settlement dated 25.08.2005, they are entitled for absorption in the respondent company.

2. In this writ petition, petitioners pray a declaration of inaction of respondents in providing employment to them as per the memorandum of understanding dated 01.01.1991 and the memorandum of settlement dated 25.08.2005, as illegal.

3. Heard learned counsel for the petitioners and learned Government Pleader for respondent No.1 and learned Standing Counsel for respondents 2 and 3.

4. Learned counsel for the petitioners submits that the lands of petitioners were acquired for the purpose of establishing the respondent company and at the time of such acquisition, assurance was given to the land displaced persons to provide employment in the company and even though such assurance was given long ago, employment was not provided to the land

displaced persons. He further submits that on the complaint of the Sarpanches of villages where the lands were acquired for establishing the company, there was a settlement arrived at for resolving the long pending grievance of the land owners whose lands were acquired.

4.1 He would further submit that the District Collector, District Employment Officer, representatives of land displaced persons and the management of the company have entered into memorandum of understanding on 01.01.1991. In terms thereof, society was formed and petitioners were enrolled as members of the society, were engaged to work with the respondent company.

4.2 He further submits that in the year 2005, the company entered into a settlement with the society for absorption of persons, who have been working with the company for a long time as a consequence to memorandum of understanding dated 01.01.1991. Pursuant to the said settlement, 67 members of the Society were absorbed into the respondent company, whereas the same benefit was not extended to the petitioners. He would therefore submit that ignoring the petitioners for absorption/appointment in terms of the memorandum of understanding of 1991 and settlement of 2005 is ex facie illegal and amounts to arbitrary in exercise of power and authority and the petitioners are illegally denied such benefit while extending the benefit to other similarly situated persons.

5. Learned Standing Counsel for respondents 2 and 3 submits that in terms of the settlement arrived at between the management and the society, all the persons whose names were sponsored by the society as their members were absorbed and since the names

of petitioners were not found in the said list, they were not absorbed. However, on complaints given by the petitioners, the matter was verified and found that the names of petitioners were not found on the rolls of the society. It is therefore asserted that the petitioners are not entitled for absorption as they were not working with the respondent company. She has also pointed out that the proceedings of Sub-Divisional Cooperative Officer, Sangareddy, dated 18.05.2010 enclosed as Ex.P9 along with W.P.M.P.No.41083 of 2011 would also disclose that the names of petitioners were not found in the records of the society.

6. It is not in dispute that as per the aforesaid memorandum of understanding between the land displaced persons and the management of respondent company, the management has agreed for provision of employment to 82 persons identified by the management. It appears that several others could not be provided employment. Therefore, the said memorandum of understanding also provided for other packages. One of the packages provided was formation of cooperative society of land displaced persons and society would be entrusted various works required by the company including maintenance of township. The land displaced persons joined together and formed society. It appears, initially petitioners were also members of the society and they have worked with the respondent company in accordance with package 2 of the memorandum of understanding.

6.1 It is not in dispute that the members of society, who were land displaced persons, were working for long time. Therefore, the society represented to the management for permanently absorbing them. The management agreed and on 25.08.2005 a settlement was arrived between the society and the management of

respondent company. The names of about 60 members sponsored by the society were accepted for absorption into the respondent company. It is the categorical stand of the respondent company that the names of petitioners were not found in the said list and therefore, they were not granted the benefit of absorption while absorbing others.

6.2 As specifically averred in paragraphs 6 and 7 of the counter affidavit, the names of petitioners were not found in the list furnished to them and when a representation made by the petitioners, an enquiry was made and the society informed the management that the petitioners worked for some period and they were absconding voluntarily and their names were struck off from the rolls of the society.

7. It appears, on the complaint made by petitioners and other similarly situated persons, the Sub-Divisional Cooperative Officer, Sangareddy, conducted enquiry and asked them to produce evidence in support of their claim to be members of the society. On detailed verification of annual audit reports, the enquiry officer was informed by the society that petitioners were not working since 1997. The Sub-Divisional Cooperative Officer was not satisfied with the material furnished by the petitioners and others in support of their claim that they were working with the respondent company. It is categorically stated by him in page 2 of his report that "However, these 35 members are not associated with the affairs of the society. It is informed that the allotment of work for these persons was discontinued since 1997." (names of petitioners also figured in the list). This would clearly disclose that the petitioners were not working with the respondent company since 1997.

8. This Court asked the learned counsel for the petitioners to show any proof of working with the respondent company by the time other members of the society were absorbed. Learned counsel for the petitioners stated that there is no other material in support of the claim of petitioners. The fact, not in dispute is, the petitioners were not working after 1997. Therefore, no relief of absorption can be granted to the petitioners at this stage when they were not working with the respondent company after 1997. It was also appropriate to notice that the society had entered into agreement with the management of the respondent company and it was the responsibility of the society to engage persons to work with the company. Thus, management has no role with reference to the persons who were engaged by the society. When the claim for absorption made by the society, the management requested the society to furnish a list of persons who were entitled to such absorption and the names of petitioners were not furnished to the management of the respondent company. Thus, the management of the respondent company cannot be blamed for not granting absorption when the names of petitioners were not sponsored by the society and when the society categorically asserts before the Sub-Divisional Cooperative Officer that petitioners are not the members of the society and they stopped working since 1997.

9. There is no merit in the claim of petitioners and the Writ Petition is accordingly dismissed. There shall be no order as to costs. Miscellaneous petitions, if any, pending in this writ petition shall stand dismissed.

P.NAVEEN RAO, J

17th August, 2016

sj