

* HON'BLE SRI JUSTICE V.RAMASUBRAMANIAN
AND
HON'BLE SRI JUSTICE M.GANGA RAO

+ Writ Petition Nos.686 and 3711 of 2017

% Date: 04-12-2017

P.Srinivas, S/o Devaiah, Aged about 44 years,
Unemployee, R/o 19-31, Girinagar, Hyderabad
... Petitioner in W.P.No.686/2017 &
Respondent No.1 in W.P.No.3711/2017

Vs.

\$ 1. The State of Telangana, Rep. by its Prl. Secretary,
I & CAD Dept., Telangana Secretariat, Hyderabad

2. The Administrator cum Chief Engineer,
Selection Committee, SRS Project, M.J. Road,
Hyderabad, Presently LMD Colony, Karimnagar,
Karimnagar District

3. The District Collector cum Chairman,
Selection Committee, Karimnagar, Karimnagar Dist.

4. The Superintending Engineer, SRSP, GVC-4 and
Member Convener, District Selection Committee,
LMD Colony, Karimnagar, Karimnagar Dist.
... Respondents in W.P.No.686/2017 &
Petitioners in W.P.No.3711/2017

The Hon'ble A.P. Administrative Tribunal,
Rep. by its Registrar, Purana Haveli, Hyderabad
... Respondent No.2 in W.P.No.3711/2017

! Counsel for Petitioners: Govt. Pleader for Services-II (AP)

Counsel for Respondent No.1: Mr. A.Rajendra Babu
Counsel for Respondent No.2: ---

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> Head Note:

? Cases referred:
Nil.

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Common Order: (per V.Ramasubramanian, J.)

While the first writ petition is filed by an individual seeking implementation of the judgment of the Andhra Pradesh Administrative Tribunal, Hyderabad, the second writ petition is by the State of Telangana challenging the order of the Tribunal.

2. Heard the learned Government Pleader for Services-I (Telangana) and Mr. K.Ram Reddy, learned counsel for the individual.

3. It appears from the pleadings that the individual, whom we shall refer to hereinafter as the applicant before the Tribunal, approached the Tribunal with a grievance that he was not provided employment under the scheme floated for the benefit of persons whose lands and/or houses were submerged when huge irrigation projects were undertaken. Reliance was placed by the applicant before the Tribunal on G.O.Ms.No.98, Irrigation (Projects Wing) Department, dated 15-4-1986.

4. The Tribunal issued a direction to the Government to appoint the applicant as Junior Assistant or in any other equal post in the existing vacancies by giving preference in terms of para-4(iii) of G.O.Ms.No.98, dated 15-4-1986. Though the Government is not aggrieved by the substantial

portion of the direction so issued, they have come up with the above writ petition on the ground that the individual can be given appointment only as per his seniority in the list maintained by the department. In the meantime, the individual has come up with a writ petition seeking implementation of the order of the Tribunal.

5. In para-10 of the Affidavit filed by the Government in support of their writ petition, they have stated that a total of 393 persons were originally identified as being entitled to the benefit of G.O.Ms.No.98. The name of the original applicant before the Tribunal was not included in the said list of 393 persons.

6. Therefore, the applicant filed O.A.No.10467 of 2008 and secured an order dated 29-01-2011. Pursuant to the said order, the name of the petitioner was included at serial No.394 in the said list.

7. Out of the total of 397 persons, in which the name of the applicant finds a place at serial No.394, a total of 174 persons have so far been appointed against regular vacancies and 101 persons have been engaged on outsourcing basis. The remaining persons are to be provided employment.

8. In other words, the only grievance of the Government is that they cannot provide out of turn employment to the original applicant. Para-10 of the Affidavit filed by the

Government in support of W.P.No.3711 of 2017 will make the position very clear. Hence, it is extracted as follows:

“10. It is respectfully submitted that, his name along with the names of the following persons are included in the list at the Sl.No. noted against each as per the Hon’ble APAT orders on different O.As filed by them in continuation of above stated 393 persons list and got approved by the Government vide Memo.No.919/LA/R&R(A2)/2014-1, dt.23-9-2014.

1	Pilli Srinivas, S/o.Devaiah	394	As per the orders of Hon’ble APAT, Hyderabad dt.29-01-2011 in O.A.No.10467/2008.
2	Md. Shaik Nisar Ahmed, S/o. Yousuf Ahmed	395	As per the orders of Hon’ble APAT, Hyderabad dt.29-8-2011 in O.A.No.12714/2009.
3	A.Srinivas Reddy, S/o.Ram Reddy	396	As per the orders of Hon’ble APAT, Hyderabad dt.08-02-2011 in O.A.No.3637/2008.
4	Kathi Ramesh, S/o.Chandraiah	397	As per the orders of Hon’ble APAT, Hyderabad dt.20-12-2012 in O.A.No.8432/2010.

From the above 393+4=397 persons list the employment provided under regular posts are as follows:

Sl. No.	Appointed in regular vacancies	Engaged as Lascars on outsourcing basis	Balance employment to be provided into regular post
1	174	101 (Appointed as per G.O.Ms. No.34, dt.20-02-2009 and they are to be absorbed into regular post as and when the vacancies will arise)	223 (101+122) Including Outsourcing Lascars.

9. According to the learned counsel for the original applicant, the applicant lost house as well as land and that all that he is seeking is only a preferential treatment in terms of para-4(iii) of G.O.Ms.No.98. But the problem here is that we do not know whether persons whose names are shown above the name of the original applicant, lost only land or house and whether their stand in comparison to the original applicant at a disadvantage or not. Unless it is established

that any one or more persons who lost either land or house has been included in the list of 397 persons over and above the original applicant, it is not possible to give a direction as has been given by the Tribunal.

10. Therefore, both the writ petitions are disposed of modifying the order of the Tribunal to the following effect:

The procedure prescribed by G.O.Ms.No.98, dated 15-4-1986, shall be applied uniformly, both in respect of the applicant and in respect of the other candidates who now remain out of employment and they shall be provided employment in the order of preference indicated in the Government Order G.O.Ms.No.98. The Government shall take action as per the seniority so fixed as per G.O.Ms.No.98. The miscellaneous petitions, if any, pending in these writ petitions shall stand closed. No costs.

V.RAMASUBRAMANIAN, J.

M.GANGA RAO, J.

04th December, 2017.
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AND
HON'BLE SRI JUSTICE M.GANGA RAO

Writ Petition Nos.686 and 3711 of 2017
(per VRS, J.)



04th December, 2017.
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