

THE HON'BLE SRI JUSTICE C.PRAVEEN KUMAR

WRIT PETITION No.29861 of 2013

ORDER:

Heard.

2. The present Writ Petition came to be filed seeking issuance of writ of mandamus directing the respondents to consider the claim of the petitioners for appointment in any suitable posts in Kothagudem Thermal Power Station, Stage V or VI Palonchal, Khammam District as per G.O.Ms.No.98, Irrigation (Projects Wing) Department, dated 15.04.1986 and in accordance with the orders of the Supreme Court of India in S.L.P.(C) Nos.21301, 21302 of 2004, dated 06.11.2006 and in accordance with their qualifications.

3. The averments in the affidavit filed in support of the writ petition would show that the lands belonging to the grand father of the petitioners were acquired for the purpose of construction of staff quarters called Thermal Colony in the year 1967 in Paloncha Town. It is stated that though the grandfathers and fathers of the petitioners, who belong to B.C.Community, applied for alternative appointment under land losers quota, none of them were appointed. It is stated that pursuant to the notification dated 05.01.2011, the petitioners, who are grand children of the land owners, applied for appointment under land losers quota, but the same was not considered. It is stated that the petitioners are entitled for employment vide G.O.Ms.no.98, dated 15.04.1986 reserving 50% of vacancies for landlosers/displaced persons or his/her dependants, sons, daughters, spouses, whose land was acquired for the purpose of usage by A.P.Genco. The inaction of the respondents in

appointing the petitioners under land losers quota, lead to filing of the writ petition.

4. Admittedly, in the instant case, the petitioners are grand children of the land owners. It is to be noted that Clause 3(ii) of G.O.Ms.No.98, Irrigation (Projects Wing) Department, dated 15.04.1986, reads as under:

“The candidates eligible for appointment under this scheme shall be the displaced persons or his/her son, daughter or spouse, there being no other earning member in the family.”

Further, the Division Bench of this Court in W.A.No.1387 of 2011, while dealing with identical issue to the case on hand, referring to the said G.O., held as under:

“The grandson cannot be called as a dependant of the grandfather/land loser whose land was acquired. The dependant of the land loser is only his/her spouse, son and daughter, if they continue to be non-earning member of the family. If the grandsons are also considered as eligible for appointment then there will not be an end to draw a line, as the great grandsons may also seek employment under the reserved 50% vacancies for the displaced families in the respective projects. Therefore, we are of the opinion that the respondent is not entitled to be considered for the appointment under G.O.Ms.No.98, dated 15.04.2006”.

In view of the judgment referred to above and since the petitioners do not fall in any one of the categories referred to above in the said G.O., their request for appointment under land losers quota scheme cannot be accepted.

5. Having regard to the above, I see no merits to entertain the writ petition and the writ petition is liable to be dismissed.

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

Consequently, miscellaneous petitions, if any, pending in this Writ Petition shall stand closed.

JUSTICE C. PRAVEEN KUMAR

19.04.2017
vhh

