

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.21535 OF 2009

ORDER:

The issue in the present writ petition is whether the grand children of the displaced persons are entitled for appointment in terms of G.O.Ms.No.98, dated 15.04.1986.

Heard learned counsel for the petitioners who sought time.

Learned Standing Counsel appearing for respondents 4 and 5 by relied on the Judgment of this Court in ***The Chief Engineer, APGENCO, KTPS, Paloncha, Khammam District v. Sri S.K.Nazar***¹ wherein the issue was already decided holding that that the grand children are not eligible for appointment in terms of G.O.Ms.No.98, dated 15.04.2006 as a member of the displaced family.

This Court has gone through the aforesaid Judgment relied on by the learned Standing Counsel which reads as follows;

“8. Therefore, we are of the opinion that clause 4(i) relates to filling up of 50% vacancies by the displaced families or their dependants while clause 4(ii) relates to the eligibility criteria for such appointments by the displaced persons or his/her son/daughter or spouse alone, if there being no other earning member in the family. The grandson cannot be called as a dependant of the grandfather/land loser whose land was acquired. The dependant of a 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

¹ 2012 (3) ALT 338

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. Consequently, the order dated 05.03.2010 passed by the learned Single Judge in WP.No.2993 of 2002 is set aside and the writ appeal is accordingly allowed and the writ petition stands dismissed. No order as to costs.

Though reliance is placed on Judgment in Civil Appeal No.14038 of 2004 by petitioners, it does not pertain to consideration of cases under G.O.Ms.No.98, dated 15.04.2006. Similarly Judgment in WP.No.22597 of 2005, dated 24.04.2007 is also not on the point raised in the present case.

The issue in the present writ petition is squarely covered by dicta laid down by the Division Bench of this Court in **2012 (3) ALT 338**, wherein the plea of similarly situated persons was negatived. In view of the same, I do not see any merit in the writ petition.

Accordingly, the writ petition is dismissed. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

05.01.2017
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