

THE HON'BLE SRI JUSTICE C. PRAVEEN KUMAR

WRIT PETITION No.24647 OF 2013

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed seeking issuance of Writ of Mandamus declaring the action of the respondents in not providing employment to the petitioner under Land Losers' quota as illegal and arbitrary.

The case of the petitioner, as seen from the affidavit filed in support of the writ petition, is that the land belonging to their family (i.e. mother of father-in-law of the petitioner) was acquired for the purpose of Srisaillam Hydro Electric Project and compensation was also paid. Thereafter, her father-in-law i.e. son of the awardee made a representation for providing employment. However, before consideration of his representation, he died. After sometime, the husband of the petitioner also died in an accident. As such, on 01.06.2011 she made a representation before the authorities requesting to provide employment under land losers' quota. Inaction on the part of the respondent-authorities led to filing of the present Writ Petition.

Heard both sides and perused the material on record.

Admittedly, in the instant case, the land loser is the mother of the father-in-law of the petitioner. 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 the issue identical 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 petitioner do not fall in any one of the categories referred to in the said G.O., her request for appointment under land losers' quota scheme cannot be accepted.

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

Miscellaneous Petitions pending in this petition, if any, shall stand closed. There shall be no order as to costs.

JUSTICE C. PRAVEEN KUMAR

19.04.2017
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