

HON'BLE SRI JUSTICE SURESH KUMAR KAIT
&
HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 5261 of 2018

ORDER:- (ORAL)

(Per Hon'ble Sri Justice Suresh Kumar Kait)

This writ petition is filed challenging the order dated 08.07.2014 in O.A.No. 82 of 2014 passed by the Central Administrative Tribunal, Hyderabad Bench, Hyderabad.

The petitioner filed O.A. before the Tribunal on the following grounds:

- a) The refusal on the part of the respondents in providing employment to the applicant herein after acquiring his land which is the only source of his livelihood by formulating a definite plan for employing the local tribals at least in semi-skilled jobs as directed by the Government of A.P. vide order No. 813/ID/81-2, dated 07.07.1981 is arbitrary, illegal and violative of Articles 14, 16 and 21 of the Constitution of India.
- b) The respondents failed to appreciate that the applicant has parted with his land which is the only source of his livelihood not for a meager compensation of Rs.12,221/- but for the employment promised to him in the respondent-company.
- c) The respondent-company is duty bound to obey the instructions of the District Collector in providing employment to the applicant as the District Collector is the final authority to decide who is the land loser and to whom the employment has to be provided.
- d) The refusal of the respondent company in not providing employment to the applicant as consideration of his case will invite representation from similarly situated persons, is highly objectionable and against the settled position of law and decided by the Hon'ble Apex Court in a catena of decisions.
- e) The stand taken by the respondents in not providing employment to the applicant in spite of the orders of A.P.

State Human Rights Commission dated 31.05.2011 is highly objectionable and is against the law.

The Tribunal, vide order dated 08.07.2014, disposed of the O.A. with the following observations:

“For the foregoing reasons and discussion made above, and in view of the facts and circumstances of the case, the impugned letter No. HWPM/ Admn(G)/ LL-244/ 2013/ 1099, dated 07.01.2013 is quashed and set aside. We remit back the matter to the competent authority i.e. respondent No.2 with a direction to reconsider the case of the applicant for providing employment if the other two land losers from one family viz. Sd.Ramjan Ali and Sd. Jony, sons of Dasthagiri were provided employment in the respondent's organization, within a period of three months from the date of receipt of a copy of this order and communicate the result to the applicant within a period of two weeks thereafter.”

In pursuance of the order passed by the Tribunal, the Chief Administrative Officer, Department of Atomic Energy, Government of India, passed an order dated 03.11.2014 rejecting the petitioner's case. Thereafter, the petitioner, alleging non-compliance with the order of the Tribunal by the respondents, filed Contempt Petition No. 20/ 06/ 2015 in O.A.No. 20/ 82/ 2014, however the Tribunal, vide order dated 02.11.2017, dismissed the petition.

It is not in dispute that the District Collector, Khammam issued Circular, dated 28.07.1986 which reads as under:

“As per the Government Memo cited, each family displaced by the acquisition of land, at least one member of the family shall be given employment in the proposed factory. The District Collector shall be final authority to decide as to who are the families displaced by the land acquisition. The list of families affected by

the land acquisition, shall not be limited only to the legal pattadars. The Collector will also specify which member of the family is to be given employment. In case of dispute, the decision of the Collector shall be final and binding on the company.”

The learned counsel for the petitioner submits that the District Collector is the final authority who had recommended the petitioner's case for appointment in the respondent - Department, therefore, there is no other authority than the District Collector who can deny appointment to the petitioner. He further submits that the order dated 03.11.2014 passed by the Chief Administrative Officer, Department of Atomic Energy, Government of India in pursuance of the directions issued by the Tribunal in O.A.No. 82 of 2014, is contrary to the Circular dated 28.07.1986.

Since the issue raised by the petitioner in O.A.No. 82 of 2014 has not been adjudicated on merit, and the Tribunal only directed the respondents to consider the petitioner's case for providing employment if the other two land losers from one family namely Sd.Ramjan Ali and Sd. Jony, sons of Dasthagiri were provided employment in the respondent – Department, we hereby dispose of the present writ petition by giving liberty to the petitioner to file fresh O.A. before the Tribunal raising all the issues as may be available to him as on today, and on such application being filed, which will be the third round of litigation, we expect from the learned Tribunal to

dispose of the O.A. on merits expeditiously by affording both the parties an opportunity of being heard. No order as to costs.

As a sequel, Miscellaneous Petitions, if any pending, shall stand disposed of as infructuous.

SURESH KUMAR KAIT, J

19.02.2018

ABHINAND KUMAR SHAVILI, J

bcj

