

HON' BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P. No. 7910 of 2007

ORDER:-

This writ petition is filed seeking to issue a writ of *Mandamus* declaring the proceedings dated 06.06.2005 of the 2nd respondent rejecting the petitioner's application as under-aged as per the Notification No.1 of 1997 dated 12.12.1997 even though the petitioner attained majority by virtue of the order dated 02.02.2005 passed by this Court in W.P.No. 1119 of 2005, as arbitrary and illegal. A consequential direction was sought to provide employment to the petitioner.

Heard Sri P.Hemachandra, learned counsel for the petitioner and Sri Gowri Shankar Sanghi, learned Standing Counsel for Railways appearing on behalf of the respondents and perused the material placed on record.

The brief facts of the case are that the agricultural land belonging to the petitioner's father in an extent of Ac.0.29 cents situated in Settipalli village of Tirupati Urban Mandal, Chittoor District, was acquired by the Railways in the year 1985 for construction of carriage repair workshop. The Railways, having taken a policy decision to provide employment to the land-losers, issued Employment Notification No.1 of 1997 dated 12.12.1997. In response thereto, the petitioner's father submitted an application requesting to consider his case for employment under the

quota meant for land-losers. However, his application was rejected on the ground that he was over-aged. Then, the petitioner's father requested the authorities to give employment to his son, the petitioner herein, in terms of the policy taken by the Railways.

When the matter is taken up for hearing, it is noticed that the petitioner is seeking employment in the Railways under the land-losers quota. Even on the previous occasion, when the petitioner's case was not considered by the railways, he filed O.A.No. 1793 of 2000 and the Central Administrative Tribunal, by order dated 08.12.2000, disposed of the O.A. directing the 2nd respondent to consider his application. But, the railway authorities misplaced his application in the office. When the petitioner pursued the matter, the 2nd respondent recommended his case to the 1st respondent by sending a copy of the application on 03.09.2002 for taking appropriate action, however his application was rejected. Being aggrieved by the same, the petitioner filed W.P.No. 1119 of 2005, and this Court, by order dated 02.02.2005, while disposing of the writ petition directed the 1st respondent to consider the petitioner's application for appointment by passing appropriate orders thereon in accordance with law. However, the

2nd respondent, by letter dated 06.06.2005, rejected the petitioner's application.

Having regard to the facts and circumstances of the case, this Court is of the view that if the petitioner is aggrieved by the order of rejection dated 06.06.2005 passed by the 2nd respondent, he has to approach Central Administrative Tribunal for redressal of his grievance and this Court has no jurisdiction to entertain the present writ petition, and the same is liable to be dismissed. However, liberty is given to the petitioner to approach the Central Administrative Tribunal. It is made clear that inasmuch as the petitioner has pursued his remedies in a wrong forum, the period of pendency of this writ petition should not be counted for the purpose of limitation.

With the above observations, the writ petition is dismissed. No order as to costs.

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

ABHINAND KUMAR SHAVILI, J

24-08-2018

bcj