

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No. 350 OF 2015

ORDER:

This writ petition is filed seeking a writ of *mandamus* declaring the action of the respondents in filling up the posts in land losers quota without following Rule of Reservation in favour of Scheduled Castes and further action of the respondents in not appointing the petitioners under land losers quota in the post of Junior Plant Attendant in spite of Letter dated 01-07-2013 addressed by respondent No. 5 recommending the petitioners as illegal, arbitrary and violative of Articles 14 and 16 of the Constitution of India.

2. Heard Sri G.V.Shivaji, learned counsel for the petitioners, and Smt. K.Aruna, learned standing counsel for respondent Nos. 1 and 2.

3. It is contended by learned counsel for the petitioners that they are members belong to Scheduled Caste community and they are fully qualified and eligible to be appointed as Junior Plant Attendant. It is further submitted that lands owning to the petitioners' family members were acquired by the respondents for construction of Rayalaseema Thermal Power Project and the State Government has issued G.O.Ms.No. 98 dated 15-04-1986 taking a policy decision to provide employment to land losers whose lands were acquired for construction of thermal project. The petitioners have submitted a representation seeking absorption in any of the existing vacancies, more importantly to the post of Junior Plant Attendant as they are fully qualified and eligible. The respondents have considered the cases of the petitioners and appointed them

on daily wage basis. However, the grievance of the petitioners is that the respondents are not absorbing the petitioners against regular vacancies. The petitioners further contended that respondent No. 5 has recommended the cases of the petitioners on 01-07-2013 but respondent No. 1 is not considering the cases of the petitioners for absorption. The petitioners further submit that the petitioners' family members are assignees of Government land. Since the assignment was taken over by the respondents for construction of thermal power project, the revenue administrative has not issued any certificate to the effect that the petitioners are family members of land losers and consequently, they could not submit land loser certificate within the time stipulated in the notification. Since the petitioners could not submit land loser certificate within the stipulated time in pursuance of the notification issued by the respondents, the cases of the petitioners are not considered. The petitioners further submit that they have submitted land loser certificate issued by the revenue administrative after the cutoff date. The respondents ought to have conducted any discrete inquiry and inquired whether the lands of the petitioners were really acquired by the respondents or not and ought to have considered the cases of the petitioners irrespective of whether there is a certificate of land loser in favour of the petitioners or not and contended that appropriate orders be passed directing the respondents to consider the cases of the petitioners for absorption in existing vacancies of Junior Plant Attendant.

4. Learned standing counsel for respondent Nos. 1 and 2 contended that the cases of the petitioners were considered in pursuance of the notification issued for filling up the post of Junior

Plant Attendant. Since the petitioners could not submit land loser certificate within the stipulated time, the cases of the petitioners could not be considered. Learned counsel for respondent Nos. 1 and 2 further contended that the cases of the petitioners were considered for temporary employment on daily wage basis and the cases of the petitioners would be considered in accordance with law as and when notification for filling up the post of Junior Plant Attendant is issued and contended that there are no merits in the writ petition and the same is liable to be dismissed.

5. This Court having considered the rival submissions made both learned counsel is of the considered view that since the lands of the petitioners' family members were acquired by the respondents for construction of thermal power project, the cases of the petitioners deserve to be considered for absorption in any suitable post, more importantly Junior Plant Attendant by duly taking into account the qualification of the petitioners. Therefore, this writ petition can be disposed of directing the petitioners to submit a fresh representation to the respondents seeking absorption as Junior Plant Attendant within two weeks from the date of receipt of a copy of this order and upon such representation being received, the respondents shall consider the same and pass appropriate orders in accordance with law in another four weeks thereafter. It is needless to say that the impugned rejection order dated 14-03-2015 is set aside and the respondents are directed to consider the cases of the petitioners afresh in accordance with law without being influenced by the earlier rejection order dated 14-03-2015.

6. With these observations, the writ petition is disposed of. Pending miscellaneous petitions, if any, shall stand closed in consequence. No costs.

ABHINAND KUMAR SHAVILI, J.

Date: 28-12-2018.
JSK

