

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.45425 of 2018

ORDER:

1. This writ petition is filed seeking to issue a writ of Mandamus declaring the action of the respondents in not providing employment to the members of the respective "Project Displaced Family" as per G.O.Ms.No.34, Social Welfare (TW.SER.III/A2/Department, dated 28.4.2010 basing on Tribal PDF certificate as illegal, arbitrary, violative of Articles 14,16 and 21 of the Constitution of India and contrary to G.O.Ms.No.34, dated 28.4.2010, and consequently, to direct the respondents to provide employment to the members of the respective Project Displaced Family i.e., family members of the petitioners.

2. Heard Sri T.V. Ramesh, learned Counsel for the petitioners and Sri J. Srinivasa Rao, learned Standing Counsel for respondents Nos.6 and 7.

3. It has been contended by the petitioners that they are the residents of Lingiguda, Khiaraguda, old Bordham and Chanduguda Villages, Tiryani Mandal, Asifabad District. The petitioners further contend that their house properties and agricultural lands were acquired by the respondents for the purpose of coal mining activities and that the petitioners were

the displaced persons as their properties were acquired by the respondents for the purpose of mining and that the State Government issued G.O.Ms.No.34 Social Welfare (TW.SER.III/A2) Department, dated 28.4.2010 to the effect that the displaced persons will be provided employment. The grievance of the petitioners is that though the properties of the petitioners were acquired, they are not being provided employment with the respondents, and challenging the same, the present writ petition is filed.

4. The learned Counsel for the petitioners contends that similar issue fell for consideration before this Hon'ble Court in W.P.Nos.32868 and 41342 of 2017, and this Hon'ble Court vide order dated 10.8.2018 was pleased to allow the said writ petitions directing the respondents therein to provide employment to the family members of the petitioners therein as per G.O.Ms.No.34, dated 28.4.2010 within three months. The learned Counsel for the petitioners further contends that the petitioners are also similarly situated persons and therefore, appropriate orders may be passed directing the respondents to provide employment to the petitioners in terms of G.O.Ms.No.34, dated 28.4.2010. Further, the learned Counsel for the petitioners contends that the orders passed by the learned single Judge were challenged by the respondents therein by filing WA Nos.1297 and 1298 of 2018, in which a

portion of the Order of the learned single Judge was upheld by the Hon'ble Division Bench of this Court in the following way:

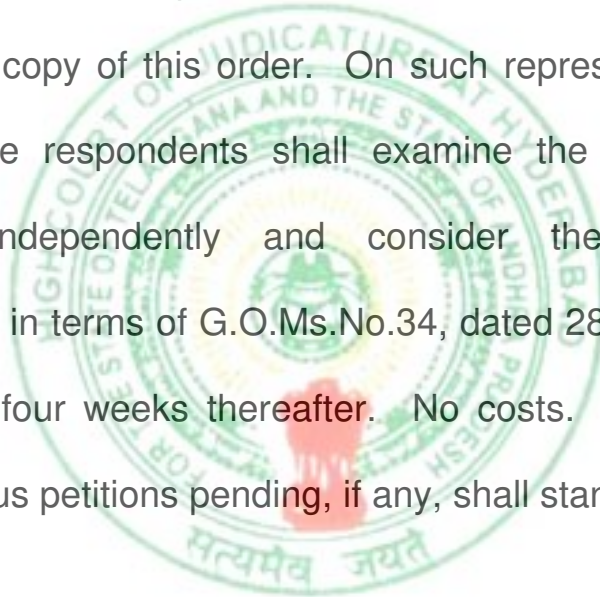
“The appellants are prevented in law from raising the objection that G.O.Ms.No.34, dated 28.4.2010 is not applicable to claimants, having due regard to the Board Resolution and also that the proceedings dated 17.8.2015 to Project Administrator and Joint Collector are in operation and there is no challenge to those proceedings by anyone, including the appellants. Therefore, the objection raised against direction covered by paragraph 66(d) is without merit and accordingly, the contention fails and is rejected.”

The learned Counsel for the petitioners submits that in respect of other issues, the said writ appeals were disposed of, but in respect of the direction given by the learned single Judge to provide employment as per G.O.Ms.No.34, dated 28.4.2010 the Hon'ble Division Bench of this Court has not interfered with, and therefore, appropriate orders may be passed directing the respondents to consider the case of the petitioners for providing employment as per G.O.Ms.No.34, dated 28.4.2010.

5. The learned Standing Counsel for respondents Nos.6 and 7 contended that the petitioners are not entitled for consideration in terms of G.O.Ms.No.34, dated 28.4.2010 and it is impossible for the respondents to verify whether the petitioners are displaced persons or not and that appropriate orders will be passed after examining the case of each petitioner.

6. This Court having considered the rival submissions made by the parties is of the view that this writ petition can be disposed of directing the petitioners to submit a detailed representation to the respondents within a period of two weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition is disposed of directing the petitioners to submit a detailed representation to the respondents within a period of two weeks from the date of receipt of a copy of this order. On such representation being received, the respondents shall examine the case of each petitioner independently and consider their cases for appointment in terms of G.O.Ms.No.34, dated 28.4.2010, within a period of four weeks thereafter. No costs. Consequently, miscellaneous petitions pending, if any, shall stand closed.



ABHINAND KUMAR SHAVILI, J

14th December, 2018
Nn

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI



Writ Petition No.45425 of 2018
(disposed of)

14th December, 2018

Nn