

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILU

WRIT PETITION No.442 of 2018

ORDER:

This writ petition is filed seeking the following relief :-

“....to issue an order or direction more particularly one in the nature of writ of mandamus to declare the impugned orders Lr.No.SE/ GVC.IV/ E5/ WP.23886/ 17/ M 1688 dated 11.09.2017 issued by the 3rd respondent rejecting the claim of the petitioner for appointment to the post of Junior Assistant or any suitable post under land displaced persons quota is illegal, arbitrary and unconstitutional and set aside the same and consequently direct the respondents to consider the claim of the petitioner for appointment to the post of Junior Assistant or any suitable post under land displaced person in accordance with G.O.Ms.No.98 (Irrigation (Project Wing) dated 15.4.1986 with all consequential benefits on par with similarly situated persons”.

Heard the learned counsel for petitioner and the learned Government Pleader for respondents.

It has been contended by the petitioner that his grand father's land was acquired by the respondents during the year 1993-94 for construction of LM.D. Reservoir. The petitioner submits that the State Government has come up with a policy to provide employment to the family members of the persons, whose land was acquired vide G.O.Ms.No.98 dated 15.04.1986. Since the land of the petitioner's grand father was acquired, the petitioner has been requesting the respondents to provide employment. But, the respondents are not considering the case of the petitioner. Earlier, the petitioner has filed W.P.No.23886 of 2017. This Court vide order dated 20.07.2017 was pleased to dispose of the said writ petition directing the respondents to consider the petitioner's representation dated 02.02.2017 and pass appropriate orders within a period of

eight weeks from the date of receipt of a copy of the said order. Thereafter, the case of the petitioner was considered and rejected vide order dated 11.09.2017 on the ground that the petitioner is the grandson of the person, whose land was acquired by the respondents and as per G.O.Ms.No.98, the grandson is not eligible for appointment. Challenging the said rejection order, the present writ petition is filed.

The impugned rejection order states that the issue whether the grandson is entitled to be considered for appointment under Land Losers Quota fell for consideration before this Court in W.A.No.1387 of 2011 and this Court was pleased to allow the said Writ Appeal vide order dated 02.02.2012 by observing as follows :-

“The grandson cannot be called as a dependant of the grandfather/ land loser whose land was acquired. The dependant of a 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 GO Ms. No. 98 dated 15.04.1986.

Consequently, the order dated 05.03.2010 passed by the learned Single Judge in WP NO. 2993 of 2002 is set aside and the writ appeal is accordingly allowed and the Writ Petition stands dismissed.

Learned counsel appearing for the petitioner submits that prior to the judgment of the Division Bench in W.A.No.1387 of 2011 dated 02.02.2012, the respondents have considered the cases of several grandchildren of persons, whose land was acquired and

given appointment. Therefore, similar treatment be extended to the petitioner and the case of the petitioner be considered for appointment under Land Losers Quota.

Learned Government Pleader appearing for the respondents has contended that the Division Bench of this Court in W.A.No.1387 of 2011 dated 02.02.2012 has categorically held that the grandchildren are not entitled for appointment under Land Losers Quota. Therefore, the case of the petitioner cannot be considered. There are no merits in the writ petition and the same is liable to be dismissed.

This Court, having considered the rival submissions, is of the considered view that when the finding of the Division Bench in W.A.No.1387 of 2011 dated 02.02.2012 is staring on the petitioner to the effect that the grandchildren cannot be treated as dependants of the grandfathers/Land Losers, no relief can be granted to the petitioner. Therefore, the respondents have rightly rejected the case of the petitioner vide order dated 11.09.2017. Hence, there are no merits in the writ petition and the same is liable to be dismissed.

Accordingly, the writ petition is dismissed. No order as to costs.

Pending miscellaneous petitions, if any, shall stand closed.

ABHINAND KUMAR SHAVIL, J

Date: 11-07-2019
Prv

