

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.11436 of 2019

ORDER:

With the consent of both parties, this writ petition is being disposed of at the admission stage.

This writ petition is filed seeking a writ of Mandamus declaring the action of the respondents in not providing employment to the petitioners as was done in case of similarly situated persons in W.P.No.2498 of 2015 in terms of G.O.Ms.No.266 dated 19-9-1994 and G.O.Ms.No.98 Irrigation (Project Wing) dated 15-4-1986 and G.O.M.S.No.247 Irrigation & CAD (Project Wing LA IV R & R) dated 29-12-2008 as illegal, arbitrary and violative of Articles 14, 16 and 21 of the Constitution of India and sought a consequential direction to the respondents to appoint the petitioners in the respondent Nos.2, 3, 4, 5 and 6, under landlosers' quota.

Heard the learned counsel for the petitioners, Ms.A. Deepthi, learned Standing Counsel for respondent Nos.2, 3 and 5, and the learned Government Pleader for Services-II appearing for the 1st respondent.

It has been contended by the petitioners that the respondents have acquired their lands for establishment of Northern Ash Pond II, Paloncha KTPS and the State Government has taken a policy decision to provide employment to such individuals whose lands are acquired for construction of Power House Station. The grievance of the petitioners is that though their lands were acquired, the respondents

are not providing any employment to them in terms of G.O.Ms.No.98 dated 15.04.1986. The petitioners further contend that the respondents are considering the cases of only those persons who have approached this Court and that they are also similarly situated as that of the petitioners in W.P.No.2498 of 2015, wherein this Court granted interim orders on 09.02.2015 and, in pursuance of the said orders, the cases of the petitioners therein were considered and they stand on the same footing.

Learned counsel for the petitioners contended that appropriate orders be passed in the writ petition directing the respondents to consider the cases of the petitioners for appointment in terms of G.O.Ms.No.98 dated 15.04.1986.

Learned Standing Counsel appearing for the respondents contended that the competent authority is the District Collector and the petitioners can submit a representation to the District Collector. Learned Standing Counsel further submits that if the District Collector recommends the cases of the petitioners, respondents 2 to 5 will consider the cases of the petitioners in terms of the recommendations of the District Collector.

This Court, having considered the rival submissions of the learned counsel for the respective parties, is of the considered view that this writ petition can be disposed of directing the petitioners to submit a fresh representation before the District Collector within two weeks from the date of receipt of a copy of this order and, upon such

representation being received, the District Collector shall consider the same and pass appropriate orders and if the petitioners are found to be eligible, then the District Collector shall recommend their cases for appointment to respondents 2 to 5 in another eight weeks thereafter. It is needless to say that on recommendation of the District Collector, respondents 2 to 5 will consider the cases of the petitioners for appointment under landlosers' quota in accordance with the Rules.

With these observations, the writ petition is disposed of. No order as to costs.

Pending miscellaneous applications, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

12.06.2019
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