

THE HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No.2871 OF 2020

DATED : 12.02.2020

Between :

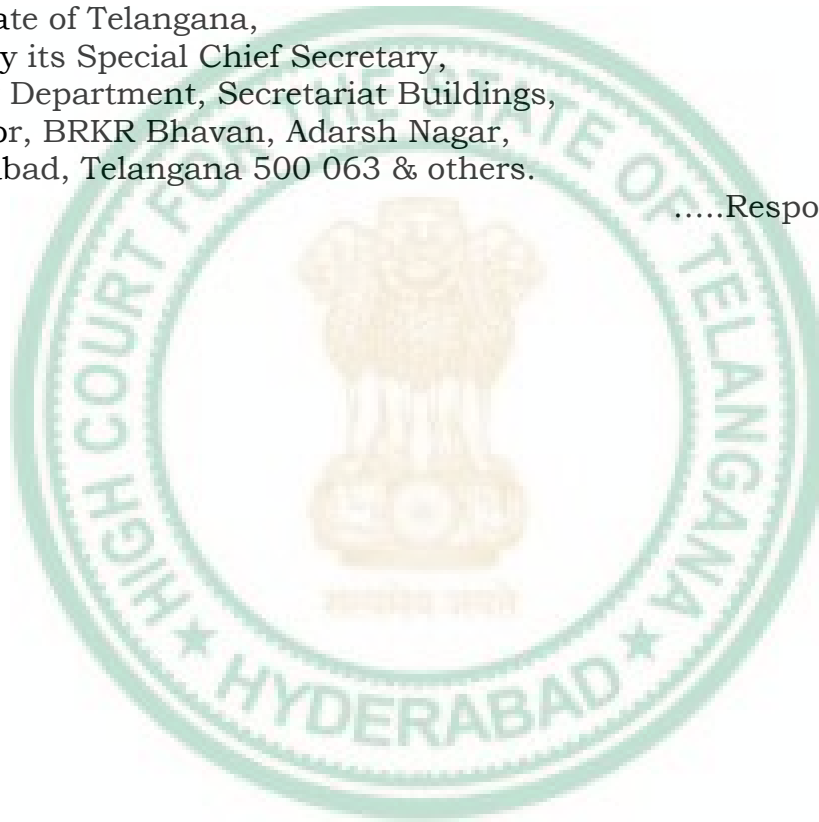
Billa Srinivas S/o.Bikshapati,
H.No.7-1-143, Occu : Unemployee
R/o.Seetharamapatnam (V),
New Palavoncha (M), Kothagudem District & others.

..... Petitioners

And

The State of Telangana,
Rep., by its Special Chief Secretary,
Energy Department, Secretariat Buildings,
5th Floor, BRKR Bhavan, Adarsh Nagar,
Hyderabad, Telangana 500 063 & others.

.....Respondents



The Court made the following:

HONOURABLE SRI JUSTICE P.NAVEEN RAO

WRIT PETITION No. 2871 OF 2020

ORDER :

Heard learned counsel for the petitioners, learned Government Pleader appearing for respondents 1 and 5 and learned Standing counsel appearing for respondents 2 to 4.

2. The facts which are not in dispute are that the land belonging to grand fathers of petitioners were acquired for the purpose of establishing Kothagudem Power Station in Palvoncha Village, way back in the year 1964-65. Petitioners' claim that as per the Scheme formulated by the Government, notified vide G.O.Ms.No.98 Irrigation (Projects Wing) Department, dated 15.04.1986, atleast one family member of the displaced person whose land was acquired, should be provided employment, but so far, no employment is provided to the family members of the land losers. According to the averments in the affidavit filed in support of writ petition, the fathers of petitioners were subjected to selection process and they were empanelled for employment, but on the ground that there were no vacancies available, they were not appointed and when the vacancies arose, they were not appointed on the ground of over age. Petitioners therefore, seek direction to the respondents to consider them, for employment under the scheme against the land parted by their grand parents. Reliance is placed on G.O.Ms.No.98 to claim employment.

3. Admittedly, the acquisition is of the year 1964-65. Strangely the age of petitioners was not mentioned in the affidavit filed in support of the writ petition, but petitioners could not have been

born when such acquisition took place, and if they were born when the acquisition took place, they would become over aged, by now, for seeking employment.

4. Learned Standing counsel representing the respondent-Company placed before this Court the decision of Division Bench in W.A.No.1387 of 2011 dated 02.02.2012. On consideration of the similar claim and by interpreting Clause 4 of G.O.Ms.No.98, the Division Bench held under :

“...Therefore, we are of the opinion that clause 4(i) relates to filling up of 50% vacancies by the displaced families or their dependants while clause 4 (ii) relates to the eligibility criteria for such appointments by the displaced persons or his/her son/daughter or spouse alone, if there being no other earning member in the family. 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 15.04.2006.”

5. In view thereof, the claim of the petitioners for consideration of employment under the land losers scheme, notified vide G.O.Ms.No.98 is not valid, and the writ petition is liable to be dismissed.

6. Accordingly, the Writ Petition is dismissed. Pending miscellaneous petitions, if any, shall stand closed.

P.NAVEEN RAO,J

12th February, 2020
Rds