

HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

W.P.Nos.4164 of 2019, 20972 ,21622 of 2020,

9868, 9997, 9929, 14278, and 14289 of 2021

COMMON ORDER:

Since the issue involved in all these writ petitions is one and the same, they are being heard together and disposed of by way of this common order.

For the sake of convenience, the facts in W.P.No.14289 of 2021 are discussed hereunder.

W.P.No.14289 of 2021 is filed seeking the following relief:

To issue a Writ or Order more particularly Writ of Mandamus declaring that the petitioner is entitled to for appointment to any one of the of Junior Assistant/ Junior Assistant/Office Subordinate/Lascars etc or any other equivalent category of posts to the extent of 50 percent of vacancies earmarked as per G.O. Ms.No.98, dt 15/04/1986 and also under Physically handicapped quota meant for displaced persons quota in any one of the existing vacancies if necessary by creating supernumerary posts under Sri Ramsagar project and Lower Manair Dam by including his name in the displaced persons list from time to time as per the conditions and norms mentioned in various viz., G.Os 34, dt 22/02/2009 G.O.Ms.No.45, dt 04/07/2012 R/w G.O.Ms.No. 68, dt 17/05/2014 and G.O.Ms.No.45 I&CAD, dt 28/12/2020 including the orders of the Hon'ble Tribunal in O.A.No. 8208/2003 and batch dt 06/05/2004 and O.A.No. 7917/2003 and as per judgment High Court in W.P.No.2346/2011 dt 08/02/2011 Apex Court judgment in S.L.P.No.14305/2011 dt 04/07/2011 as the Awards are prior to issuance of G.O.Ms.No.98 dt 15/04/1986 and consequently hold the action of the respondents in denying employment to him under the scheme on one reason or the other including technical reasons that application has not made within time even such grounds are examined and considered in the above said judgments of this Honble Court and Apex Court despite of availability of existing vacancies vide Proc.No.E5/GVC. 4/Applications/Vol. XV/M/570 dt 11/09/2019 issued by the

1st respondent despite filing representations and filing O.As is illegal, arbitrary, discriminatory, unjust and contrary to the dicta laid down by the Hon'ble Courts and violation of Articles 14 and 21 of the Constitution of India and to pass such other order or orders as this Hon'ble Court may deem fit just and proper in the circumstances of the case.”

Heard Sri M.Ramgopal Rao, and Sri A.Gangadhar, learned Counsels appearing for the petitioners and learned Government Pleader for Irrigation and Command Area Development appearing for the respondents.

It is the case of the petitioner in W.P.No.14289 of 2021 that the land belonging to his family was acquired by the Government for construction of Lower Maneru Dam (Sriramsagar Project) in the year 1974 and 1975 and the State Government has taken a policy decision in G.O.Ms.No.98, dated 15.4.1986 to provide employment to the displaced persons. In pursuance thereof, the petitioner has submitted an application to the respondents to consider his case for employment. But, the respondents have rejected his case on the ground that he has not submitted the application within one year from the date of issuance of G.O.Ms.No.98, dated 15.04.1986. Challenging the same, similarly situated person has filed O.A.No.7917 of 2003 before the then Andhra Pradesh Administrative Tribunal. The Tribunal *vide* order 16.7.2007 directed the respondents to consider the case of the applicant for appointment in terms of G.O.Ms.No.98 irrespective of date of application or irrespective of the limitation prescribed therein and pass necessary orders within a period of eight weeks from the date of receipt of copy of the order. Challenging the

same, the State has filed W.P.No.2436 of 2011 and a Division Bench of this Court has dismissed the same *vide* order dated 8.2.2011. Aggrieved by the same, the State has further carried the matter in appeal before the Apex Court by filing S.L.P.(Civil) No.14305 of 2011 and the Apex Court *vide* order dated 4.7.2011 dismissed the same.

Learned counsel appearing for the petitioners, in all the writ petitions, contended that the State Government has sanctioned 3293 posts of Lascars *vide* G.O.Ms.No.45, dated 28.12.2020, of which nearly 2874 posts of Lascars are lying vacant and as per G.O.Ms.No.98, dated 15.4.1986, 50% posts are liable to be filled up by displaced persons, therefore, the cases of the petitioners deserve to be considered for appointment in terms of G.O.Ms.No.98, dated 15.4.1986. Therefore, appropriate orders be passed in the writ petition directing the respondents to consider the cases of the petitioners for appointment to the posts of Lascars strictly in terms of G.O.Ms.No.98, dated 15.4.1986.

Learned Government Pleader appearing for the respondents contended that the petitioners have submitted the applications belatedly nearly after two to three decades from the date of acquisition of their lands and the petitioners have received compensation and hence, the question of considering the cases of the petitioners for appointment under displaced persons quota in terms of G.O.Ms.No.98, dated 15.4.1986 does not arise. There are

no merits in the writ petition and the same is liable to be dismissed.

Having considered the rival submissions made by the learned counsel on either side, this Court is of the view that the respondents cannot reject the cases of the petitioners on the ground that they have submitted the applications belatedly, when the issue was settled by the then Tribunal by directing the respondents to consider the case of the applicant for appointment in terms of G.O.Ms.No.98 irrespective of date of application or irrespective of the limitation prescribed therein and the same was confirmed by Division Bench of this Court as well as by the Apex Court referred to supra. Therefore, the contention of the respondents that the petitioners are not entitled for appointment under displaced persons quota is totally *nonest* in the eye of law. The petitioners deserve for appointment as Lascars or any other equivalent posts in terms of G.O.Ms.No.98, dated 15.4.1986.

Accordingly, all the Writ Petition are disposed of directing the respondents to consider the cases of the petitioners for appointment to the posts of Lascars or any other equivalent posts strictly in terms of G.O.Ms.No.98, dated 15.4.1986 and pass appropriate orders in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is needless to state that the respondents shall consider the applications of the petitioners irrespective of the fact whether they

submitted the applications within one year or not from the date of issuance of G.O.Ms.No.98, dated 15.4.1986. No costs.

Miscellaneous petitions, pending, if any shall stand closed.

JUSTICE ABHINAND KUMAR SHAVILI

Date:01.07.2021
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