

HONOURABLE SRI JUSTICE N.V.SHRAVAN KUMAR

WRIT PETITION (TR) No.2426 of 2017

ORDER:

The present Writ Petition(TR) has been filed seeking to *“declare that the applicant is entitled to be appointed as Junior Assistant or to any other suitable post under the land displaced persons quota with all consequential benefits on the analogy of orders issued in respect of similarly placed individuals by holding the action of the respondents in not considering applicants claims for appointment and excluding grand children from the dependent category vide GO Ms. No.98 Irrigation and CAD (PW) Department, dated 15.41.986 as amended from time to time including GO Ms. No.45 I CAD (Pw R & R-A2), Department dated 04.07.2012 as illegal, discriminatory and in violation of Articles of 14 and 16 of the Constitution of India.”*

2. Today when the matter has been taken up for hearing, learned Government Pleader for Services-II submits that the subject matter is squarely covered by this Hon’ble Court in WA No.1387 of 2011, dated 02.02.2012, wherein operative portion reads as under:

“9. Clause (i) above provides for filling up 50% of the vacancies in the categories equivalent to Junior Assistants/Typists and the cadres below arising in major and medium irrigation and power projects, to be filled by the displaced persons or their dependants in the respective

projects duly following the reservation for various categories like Scheduled Castes, Scheduled Tribes, Backward Classes, Ex-Servicemen, Physically Handicapped and Meritorious Sportsmen, etc. Clause (ii) above speaks of eligibility criteria prescribed for the appointment under the scheme, to be a displaced person, his/her son, daughter or spouse and there being no earning member in the family. Clause 4(i) deals with the percentage of vacancies to be filled by the displaced persons or dependants after following the rule of reservation. 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.

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. No order as to costs."

3. Learned Government pleader for Services-II submits that in view of order passed by this Hon'ble Division Bench in WA No.1387 of 2011, dated 02.02.2012, the present writ petition(TR) has no merits and the same is liable to be dismissed. Learned counsel for the petitioner has fairly acceded to the same.

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4. Recording the submissions made by the learned counsel on either side and the fact that the subject matter was squarely covered by this Hon'ble Court in WA No.1387 of 2011, dated 02.02.2012, accordingly, this Writ Petition (TR) is dismissed.

5. Miscellaneous applications, if any pending, shall stand closed.

No order as to cost.

N.V.SHRAVAN KUMAR,J

06.02.2023
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