

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
AT HYDERABAD
(Special Original Jurisdiction)**

**FRIDAY, THE TWENTY NINTH DAY OF DECEMBER
TWO THOUSAND AND TWENTY THREE**

PRESENT

THE HONOURABLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION NO: 5721 OF 2008

Between:

PAYAM VENKATESWARLU, S/o. Laxmaiah, aged 32 years, Unemployee R/o. Jaggaram Village, Ashwapuram Mandal, Khammam District.

...PETITIONER

AND

- 1. The District Collector, Khammam District, Khammam.**
- 2. The Sub Collector, Kothagudem, Khammam District.**
- 3. The Heavy Water Plant (Manugur), Government of India, Department of Automatic Energy, Manugur, Rep. by its Administrative Officer, P.O. Gautami Nagar, Aswapuram, Khammam District.**

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a writ, order or direction more in the nature of mandamus declaring the orders passed by the 3rd respondent No.HWPM/R/LL-79/07/126 dated 01.02.2007 rejecting the claim of the Petitioner for providing employment on the ground of limitation as arbitrary, illegal and violative of Article 14, 16 and 21 of the Constitution of India and also contrary to the policy of the Government laid down in GatMemo No.813/ID/81-2, dated 07.07.1981 and consequentially direct the respondents to provide employment to the Writ Petitioner as per the policy of the Government on par with (1) Mangaiah, (2) Babu Rao and (3) K. Ramesh and other similarly situated persons.

I.A. NO: 1 OF 2008(WPMP. NO: 7421 OF 2008)

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue an interim direction to the first respondent District Collector, to consider the case of the petitioner for providing employment as per the policy of the Government in Memo No.813/ID/81-2, dated 07.07.1981.

Counsel for the Petitioner : SRI P.V.RAMANA

Counsel for the Respondents No.1&2 : GP FOR REVENUE

Counsel for Respondent No.3: SRI GADI PRAVEEN KUMAR, (DY.SOL GEN)

The Court made the following: ORDER

THE HON'BLE SHRI JUSTICE ANIL KUMAR JUKANTI

WRIT PETITION No.5721 OF 2008

ORDER:

This Writ Petition is filed challenging the order No.HWPM/(R)/LL/07/126, dated 01.02.2007 rejecting the claim of the petitioner for employment on the ground of limitation is contrary to the policy of the Government laid down in Memo No.813/ID/81-2, dated 07.07.1981 and consequently to direct the respondents to provide employment on par with other similarly situated persons.

2. Heard the learned counsel for the petitioner and the learned Standing counsel for the third respondent.

3. It is submitted by the learned counsel for the petitioner that the petitioner has made an application to the respondents for employment under 'Land Losers Quota', as he being the family member and being eligible, as per Government Memo No.813/ID/81-2, dated 07.07.1981. The learned counsel for the petitioner places reliance on a letter of the Revenue Divisional Officer, Paloncha, dated 09.11.2003 to the third respondent, wherein the Revenue Divisional Officer has enclosed the application of the

petitioner requesting for job and he requested the third respondent to verify the case of the petitioner and inform the action taken.

4. The learned counsel places reliance upon the decision of a learned single judge of this Court in Writ Petition No.24063 of 2007, and seeks a direction to the concerned authorities to provide employment. That the facts in the said writ petition are similar and same relief be granted.

5. It is submitted that the petitioner has made an application to the concerned authorities for employment and the same has not been considered. It is contended that a dependent certificate was issued on 07.05.2001 and the name of the petitioner is mentioned in column No.3 of the dependent certificate and hence he is eligible for employment in the third respondent-Organization.

6. The learned Standing Counsel for the third respondent contends that the petitioner made an application with delay. An application is to be made within one year from the date of dependent certificate issued by the concerned authorities. It is submitted that as per Circular No.B1/10212/85, dated

30.09.1986, the persons who are eligible for seeking employment under the scheme 'land losers quota' shall be the displaced persons or his/her son, daughter or spouse, and there being no other earning member in the family. The learned Standing Counsel further contends that the petitioner was aged 13/14 years at the time the land being acquired for the purpose of heavy water plant. The best the petitioner could have done was to make an application soon after he became eligible for job/employment. No such application was made. Petitioner approached for employment at a belated point of time and the same cannot be considered as it is hit by delay and laches.

7. The learned Standing Counsel for the third respondent submits that reliance placed on order in W.P.No.24063 of 2007 is misconceived and is not applicable to the facts of the case on hand. In the present case, the application for employment is not made within reasonable time after attaining the eligibility. It is also contended that at the time of issuance of land loser/dependent certificate, the petitioner was not eligible, and by no stretch of imagination,

the third respondent-Organization can consider the case after seven years as the Scheme itself would come to an end. It was also further contended that at the time of issuance of land loser certificate, none were found to be eligible for providing employment in the family. It is also submitted that whenever a member of the family was found eligible as per the Circular and as per the dependent certificate issued in land losers quota by the concerned authorities, such persons/individuals were provided with an employment.

8. The learned Standing Counsel further contends that as there is delay in making the representation for employment under 'land losers quota', the case of the petitioner cannot be considered for employment after such a long lapse of time. It is submitted that a reasonable time is the essence to safeguard and protect the interests of genuine land losers, who are in need of immediate assistance, there being no earning member in the family. The contention of the petitioner that his father got registered his name with the third respondent under the

land loser quota/category is not true and the learned counsel further submitted that the averment of the petitioner that an application was made in the month of November, 2001, seeking employment as his father was over aged and suffering from ill health is not true. It is stated that representation, dated 23.12.2006, preferred by him is not true.

9. The contention that similarly situated persons were provided with employment is false and is denied by the counsel for third respondent. It is stated that in the case of Shri Babu Rao, land was acquired in the year 1987, he was interviewed in the year 1989 and due to his involvement in a Criminal Case, he was not considered for employment. Consequently, upon an order of Central Administrative Tribunal (for short 'the Tribunal') in August, 1997, it was directed to consider his case as per Rules and was appointed as Helper (B) in the year 1998.

10. With regard to the case of Shri K.Ramesh, it is submitted that the land was acquired in the year 1988 and the land losers certificate was issued in the year 1989 and

his father Shri Kaniti Seetaramulu nominated his son for employment. Though not registered, Shri Ramesh along with 26 others filed O.A.No.776 of 1996 before the Tribunal to consider their cases for employment. The Tribunal, vide order, dated 25.06.1996, gave directions to the Collector to scrutinize the applications of all the applicants in O.A.No.776 of 1996 and to forward the names of the applicants who are found eligible for the employment. Shri Ramesh registered his application on 16.10.1998. It was stated by the District Collector, Khammam vide letter No.HWP(M)/R/LL-27/2002/330, dated 19.11.2002, that the case of Shri Ramesh cannot be considered as he registered his name for employment after a long lapse of nine years ignoring the guidelines. It was also stated by the learned counsel that it came to light that persons had obtained land losers certificate by fraudulent means and hence the land losers certificates were verified through the District Collector, Khammam. The Project Officer, Integrated Tribal Development Agency (ITDA), Bhadrachalam was appointed as Commissioner of enquiry and after conducting a detailed enquiry, the Project Officer submitted detailed report on

05.05.2005, in which he certified that 79 land losers are genuine and they should be given employment in HWP(M). In the list of 79 land losers, the case of Shri Ramesh was found and he was called for interview for considering his case for employment.

11. It is also submitted that in the case of one Shri Muttaiah, who was a land loser, was called for an interview on 14.07.1991 and he could not be empanelled as he was over aged. Later, his son Shri Irmaraju made an application, dated 13.08.2001, for employment. By letter dated 09.11.2001, it was informed that he could not be considered at belated stage as he could not prefer his claim within one year from the date of acquisition. That he filed a Writ Petition No.24235 of 2007 and this Court passed an order on 16.11.2007 granting liberty to make an application to consider his case for employment under land loser quota. However in his case, no direction was received by the third respondent from the District Collector.

12. The learned Standing Counsel for the 3rd respondent after submitting the facts of individuals as stated supra has

contended that it was only on the basis of Court orders and subsequent decisions of the State Revenue authorities, the belated claims of the nominees were considered and in the writ petitioner's case, no directions were issued at any point of time by the Tribunal or by the Court or by the Revenue authorities. Hence, the petitioner is not entitled for employment as he has made an application for employment after a long lapse of time.

13. Heard the rival contentions, perused the Memo No.813/ID/81-2, dated 07.07.1981 and material papers annexed with the writ affidavit. A few facts which are relevant are being considered in detail to arrive at a conclusion and they are as follows:

13.1 Perused the land losers certificate, dated 06.06.1986, in Rc.No.B/445/86 issued by the Mandal Revenue Officer, Ashwapuram. On keen perusal of the said certificate, it is noticed that the land loser has nominated Shri Payam Lakshmaiah (father of the writ petitioner) for employment/job in HWPM. A perusal of the dependent certificate in D.Dis.No.B/404/2001, dated 07.05.2001,

issued by the MRO on the strength of report of Village Administrative Officer certified the writ petitioner as dependent of Shri Payam Lakshmaiah at serial No.3 and that his age is 29 years and that he is married. It can be fairly concluded from the dependent certificate that the petitioner had attained the age of 21 years in the year 1994 as the age of the writ petitioner was mentioned as 29 years in the dependent certificate. The writ petitioner should have made an application within a reasonable period of 3 years from the year of his attaining 21 years (majority). No such application has been made.

13.2 On a perusal of the letter, dated 09.11.2003, in Rc.No.D-1605/2003 addressed by RDO, Paloncha to Administrative Officer, HWP, it is noticed that a representation was made to the Collector requesting for job under the land losers quota by the writ petitioner. The said letter, dated 09.11.2003, was forwarded to the Administrative Officer, HWP. Subsequently, another letter, dated 23.12.2006, seems to have been addressed by the writ petitioner to the Administrative Officer, HWP(M). In

reply to the letter, dated 23.12.2006, the Administrative Officer by letter, dated 01.02.2007, vide No.HWPM/(R)/LL/07/126, has intimated that the request of the writ petitioner could not be acceded as he has not registered his application within the prescribed time.

13.3. This Court is of the opinion that the writ petitioner was not diligent enough in making an application within a reasonable time immediately on attaining the age of 21 years (majority). The schemes of employment of such nature are not perennial. They cease to exist after a certain period of time on completion of the purpose for which they have been initiated i.e., providing employment. It is imperative that a person who seeks an employment under such scheme(s) has to be diligent and approach the concerned authorities within time prescribed by the scheme or within a reasonable time in exceptional cases. In the present case, the petitioner was not diligent enough and sought for employment after a long lapse of time, in other words, there was delay on the part of the petitioner. The fact that the age of the petitioner presently is around 49

years cannot be lost sight of, for, no employment can be offered at such an age under any scheme. For the aforesaid reasons, this Court is of the considered opinion that there are no merits and the Writ Petition is liable to be dismissed.

14. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

**SD/- P.Ch. NAGABHUSHAMBA
ASSISTANT REGISTRAR**

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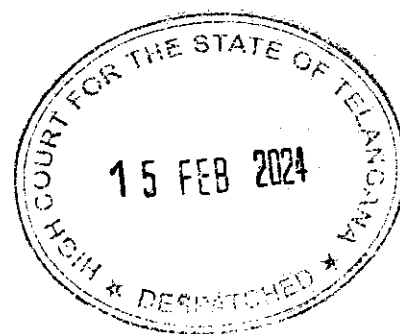
To,

1. One CC to SRI P.V.RAMANA, Advocate. [OPUC]
2. One CC to SRI GADI PRAVEEN KUMAR, (Deputy Solicitor General of India), High Court for the State of Telangana at Hyderabad. [OPUC]
3. Two CCs to GP FOR REVENUE, High Court for the State of Telangana at Hyderabad. [OUT]
4. Two CD Copies.
BSK
GJP

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HIGH COURT

DATED:29/12/2023



ORDER

WP.No.5721 of 2008

**DISMISSING THE WRIT PETITION
WITHOUT COSTS**

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