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

FRIDAY ,THE TWENTY FIFTH DAY OF APRIL
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE MRS JUSTICE SUREPALLI NANDA

WRIT PETITION NO: 10085 OF 2021

Between:

Mohammed Fayazuddin, S/o Mohammed Fakruddin aged about 38 years Occ. Unemployee R/o H.No. 11-23-1987, L.B. Nagar Warangal

...PETITIONER

AND

1. The Telanggana Power Generation Corporation Ltd, Rep by its Managing Director Vidyut Soudha, Khairatabad, Hyderabad
2. The Managing Director, Telangana Power Generation Corporation Ltd Vidyut Soudha, Khairatabad, Hyderabad
3. The Chief Engineer, Kakateeya Thermal Power Project (KTPP) Chelpur, Bhupalapalli Mandal, Warangal District
4. The District Collector, Jayashankar Bhoopalapally 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 writ order or direction more particularly one in the nature of writ of Mandamus declaring the Memo 08/03/2021 issued by the 4th respondent as illegal, arbitrary, unjust and unreasonable and set aside the same and consequently direct the respondents to consider the claim of the petitioner for providing employment in the establishment of the 1st respondent under land looser quota immediately and appoint him as such with all consequential benefits in the interest of justice

IA NO: 1 OF 2021

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 Suspend the operation of the Memo dated 08/03/2021 and consequently direct the respondents to consider the claim of the petitioner for providing employment in the establishment of the 1st respondent under land looser quota immediately in the interest of justice pending disposal of the above writ petition

IA NO: 1 OF 2023

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 permit me to file the additional documents along with this I.A. in the interest of justice

Counsel for the Petitioner: SRI. D. RAMAKRISHNA

Counsel for the Respondent Nos. 1&2: SRI SRINIVASA SRIKANTH, SC

Counsel for the Respondent Nos. 3&4: GP FOR SERVICES I

The Court made the following: ORDER

HON'BLE MRS. JUSTICE SUREPALLI NANDA

WRIT PETITION No.10085 OF 2021

ORDER:

Heard Sri D.Ramakrishna, learned counsel appearing on behalf of the petitioner, Sri Srinivasa Srikanth, learned standing counsel appearing on behalf of the respondent Nos.1 & 2 and learned Government Pleader for Services-I appearing on behalf of the respondent Nos.3 & 4.

2. **The petitioner approached the Court seeking prayer as under:**

> "...to issue writ order or direction more particularly one in the nature of writ of Mandamus declaring the Memo 08.03.2021 issued by the 4th respondent as illegal, arbitrary, unjust and unreasonable and set aside the same and consequently direct the respondents to consider the claim of the petitioner for providing employment in the establishment of the 1st respondent under land looser quota immediately and appoint him as such with all consequential benefits in the interest of justice and to pass..."

3. It is specific case of the petitioner that the petitioner and his family are eking out the livelihood through the cultivation of the land in Sy.No.1106 situated at Chelpur Village, Mulugu Tq., Warangal district which is owned by Khaja Sharfuddin, who is the grandfather of the petitioner herein. The above said land was

acquisitioned by the APGENCO for the purpose of establishing KTPS, consequently the family of the petitioner lost the livelihood. It is further the case of the petitioner that the policy of the government is to provide benefit of the employment to the land ousters when the land acquisition is made for the purpose of Government projects. The petitioner made representation to the respondents for availing the benefit of employment opportunity but the saic representation was not considered by the respondents, resultantly, on an earlier occasion the petitioner approached this Hon'ble court seeking directions to the respondents to consider the petitioner's representation and this court was pleased to pass the orders as prayed for there under. However, the respondents rejected the representation of the petitioner vide impugned memo, dated 08.03.2021 of the 4th respondent on the ground that the petitioner is the grandchild of the land owner as such the petitioner is not entitled for getting the employment in terms of G.O.Ms.No.98. Aggrieved by the impugned memo, the petitioner preferred the present writ petition.

4. PERUSED THE RECORD.

A. <u>The impugned memo File No.REV/G/LA/0002/2021-SUPDT(G-SEC), dated 08.03.2021 of the 4th respondent is extracted hereunder:-</u>

In the reference 2nd cited, the Chief Engineer, KTPP, Chelpur has stated that, an extent of Ac 2-00 gts in Sy.No.1104 situated at Dubbpally Village of Ghanpur Mandal was acquired for the purpose of establishing KTTP duly paying compensation to Smt. Haffezabee W/o.Late Khaja Sharifuddin vide award proceedings.no.8/3773/2006, Dtd:08.06.2007. Against the sald Award, Sri Md. Fayasuddin s/o.Faqrudding (First petitioner herein), who is the grandson of Khaja Sharifuddin has applied for the post of Junior Plant Attendant in the year 2011 under land looser category in response to the notification no.01/CG/M(HR)/2010, Dtd:05.01.2011 and the same was rejected by the District Selection Committee on 01.07.2013, as he is not entitled in terms of G.O.Ms.No.98 since he is the Grandson of Smt. Hafeezabee (In terms of G.O.Ms.No.98 the candidate is eligible for appointment under this scheme shall be the displaced persons or his/her son, daughter or spouse, there being no other earning member in the family).

In the reference 5th cited, the Revenue Divisional Officer, Bhupalpally has reported that, on verification of the records available in file no.B/3773/2006, an extent of land Ac.2-00 Gts in Sy. No. 1104 situated at Dubbapally H/o.Chelpur Village was acquired for the purpose of establishing KTPP duly paid compensation to Smt. Hafeezabee W/o. Late Khaja Sharifuddin through KGB cheque no.605077 dated: 06.08.2007 vide RDO, Mulug Prodgs.No.B/3773/2006, Dtd: 26.05.2007. Further, in Sy. No. 1106 total extent of Ac. 15-08 Gts was acquired vide the RDO, Mulug Prodgs No.83773/2006, Dtd:07.08.2006 and paid the compensation to the land loosers, but the names mentioned in the Legal Notice dated: 16.03.2019 were not found in the Award.

Further it is informed that, the Government vide G.O.Ms.No.98 Irrigation (Project wing) Dept., Dtd: 15.04.1986 have issued orders for providing employment under land looser quota that, "the candidate is eligible for appointment under this scheme shall be the displaced persons or his/her son, daughter or spouse, there being no other earning member in the family".

Further, the Hon'ble High Court, Andhra Pradesh in another case in W.A.No.1387/2011 vide orders dated: 02.02.2012 held that "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."

On perusal of the reports, it is evident that the Petitioners in W.P.No.18417 of 2019 and the names mentioned in the Legal Notice Dtd: 16.03.2019 are neither the land loosers nor spouse/son/ daughter of the land looser.

Hence taking into consideration of the reports obtained from the Chief Engineer, KTPP, Chelpur and the RDO, Bhupalpally and in terms of the Government orders issued vide G.O.Ms.No.98 Irrigation (Project wing) Dept., Dtd: 15.04.1986 and the Hon'ble High Court, Andhra Pradesh in W.A.No.1387/2011 vide orders dated: 02.02.2012, the individuals viz., Petitioner-1 1.e., Sri Mohammed Fayazudcin S/o.Md Fakruddin and the petitioner-2 i.e., Md.Fasluddin Ms Fhasi Bab 5/o.Md Rasheed Pasha and the individua s shown in the Legal Notice Dtd:16.03.2019 viz., 1. Naziya Begum D/o.Faqruddin, 2.Asiya Fahreen D/o.Faqruddin, 3. Ghousiya Begum D/o.Faqruddin, 4. Tayyaba D/o.Faqruddin and 5. Bismillaha Begum D/o.Faqruddin are not eligible for appointment under landlooser quota in terms of G.O.Ms.No.98, dated 15.04.1986. Hence, their claim is rejected .

B. The judgment of the Division Bench of this Court, dated 02.02.2012 passed in W.A.No.1387 of 2011 and in particular para Nos. 8 & 9 are extracted hereunder:-

> 8. The Government while considering representation of the displaced persons evolved the scheme of providing employment to the displaced person, his dependants namely son, daughter or spouse alone and accordingly issued GO Ms. No. 98 dated 15.4.1986. Clauses 4(i) and (ii) of the said G.O. are relevant for the purpose of adjudication of the controversy involved, which read as under:
>
> > 4. After careful examination and consideration, the following orders are issued in supersession of orders in GO Ms. No.676 Irrigation & Power Department dated 17.11.1978.
> >
> > (i) Not more than 50% of the vacancies of the categories equivalent to Junior Assistants/Typists and the cadres below arising in major and medium irrigation and power projects shall be filled up by the displaced families/or their dependants of a respective projects duly following the reservation for various categories viz., SC, ST, BC, Ex-Servicemen, Physically Handicapped and Meritorious Sportsmen, etc.
> >
> > (ii) The candidates eligible for appointment under this scheme shall be the displaced persons or his/her son, daughter or spouse, there being no other earning member in the family.
>
> 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.

C. The counter affidavit filed on behalf of the respondent No.4 and in particular para No.4 is extracted hereunder;-

In reply to Para 4 of the Affidavit it is humbly submitted that the petitioner filed W.P.No. 18417 of 2019 and W.P.No. 13797 of 2019, which have been filed before the Hon'ble High Court for gaining undue employment in the office of Respondent No. 2 with a reprehensible intention, as come up with another malignant ideology of speaking about a will deed in respect of the land admeasuring to an extent of Acs. 2-00 situated in Sy.No. 1104, which was

purported to have been executed in his favour by his grandmother. The petitioner has not submitted any will deed copy or any details related to the said will deed in support of his allegations to the Hon'ble High Court, then. The act of the petitioner in disclosing 'of possession of the will deed in his favour after a lapse of 15 years of time from the date of passing of Award of his grandmother, is a clear malafide intention to utterly waste the precious time of the Hon'ble High Court, which cannot be ruled out. The petitioners grandmother Smt. Hafeesabee, W/o. Khajasharifuddin has received the Award amount Rs. 3,38,000/- in Award Procdgs. No. B/3773/2006.

It is further submitted that, if the plea which available if failed to raise at that point of time same can't be allowed subsequently, on this legal ground alone the present WP is liable to be dismissed.

It is submitted that petitioner issue a legal notice on 16-03-2019 issued by Y. Nagender, Advocate Warangal on behalf of 1. MD Fayazuddin S/o Faqruddin 2 Naziya Begum D/o Faqruddin. 3. Asiya Fahreen D/o Faqruddin, 4. Ghousiya Begum D/o Faqruddin. 5. Tayyaba D/o Faqruddin and 6. Bismillaha Begum D/o Faqruddin all the resident of Dubbapally (V) of Ghanpur (M) was addressed to the Chairman & Managing Director (CMD), TSGENCO, Hyderabad to provide employment in TSGENCO under land looser quota, as his Client's land was acquired under TSGENCO in Sy.No. 1104/20 situated at Dubbapally (V) to an extent of Ac 2-00 Gts.

On perusal of the reports, it is evident that the Petitioners in WP.No.18417 of 2019 and the names mentioned in the Legal Notice Dtd: 16-03-2019 are neither the land loosers nor spouse/son/daughter of the land looser. The Petitioner name was not there in the Award nor he is the Dependent of the land looser.

In view of the above submissions and the facts the petitioner represented for employment under land loser quota to the post of Junior Plant Attendant

and got rejected by the then District Selection Committee (Warangal) on 01.07.2013 on the grounds that the petitioner is neither the displaced person nor the eligible dependent of the displaced person to claim employment under land loser quota, and therefore the petition is liable to be dismissed since it is devoid of merits. It is submitted that the petitioner has been frequently filing one or the other writ petitions with the only prayer of gaining undue employment in the Respondent 2 Corporation, though he is very much aware of the fact that he is ill intentionally wasting the precious time of the Hon'ble High Court for a vicious cause.

5. Learned counsel appearing on behalf of the petitioner contends that the request of the petitioner for appointment under land loser quota in terms of G.O.Ms.No.98, dated 15.04.1986 has to be considered, since the petitioner is the grandson of the displaced person and therefore, the petitioner has a right to be considered for employment under land loser quota.

6. Learned Assistant Government Pleader appearing on behalf of the respondent Nos.3 & 4 placing reliance on G.O.Ms.No.98, dated 15.04.1986 and the judgment of the Division Bench of this Court, dated 02.02.2012 passed in W.A.No.1387 of 2011 contends that the petitioner is not entitled for any relief.

7. A bare perusal of the G.O.Ms.No.98, dated 15.04.1986 in particular Clause 4(i) and (ii) of the said G.O. very clearly indicates that the candidate eligible for appointment under this scheme shall be the displaced persons or his/her son, daughter or spouse, there being no other earning member in the family, the said G.O.Ms.No.98, dated 15.04.1986 does not provide employment for grandson of the displaced person as claimed by the petitioner herein.

8. A bare perusal of the observations of the judgment of the Division Bench of this Court, dated 02.02.2012 passed in W.A.No.1387 of 2011 relied upon by the respondents (referred to and extracted above) very clearly indicates that 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 there being no other earning member in the family.

9. This Court also taking note of the observations of the judgment of the Division Bench of this Court, dated

02.02.2012 passed in W.A.No.1387 of 2011 which clearly indicates that 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.

10. This Court opines that this Court cannot have any different opinion/view on the subject issue as rendered by the Division Bench of this Court vide its judgment, dated 02.02.2012 passed in W.A.No.1387 of 2011

11. Taking into consideration:-

a) The aforesaid facts and circumstances of the case.

b) The submissions made by the learned counsel appearing on behalf of the petitioner and learned Assistant Government Pleader for Services-I appearing on behalf of the respondent Nos.3 & 4.

c) The contents of the impugned memo File No.REV/G/LA/0002/2021-SUPDT(G-SEC), dated 08.03.2021 of the 4th respondent (referred to and extracted above)

d) The judgment of the Division Bench of this Court, dated 02.02.2012 passed in W.A.No.1387 of 2011 (referred to and extracted above)

e) The counter affidavit filed on behalf of the respondent No.4 (referred to and extracted above)

f) The fact as borne on record even as per the averments made in the counter affidavit filed on behalf of the 4th respondent that the petitioner represented for employment under land loser quota for the post of Junior Plan Attendant and the said representation had been rejected by the then District Selection Committee on 01.07.2013 on the ground that the petitioner is neither the displaced person nor the eligible dependent of the displaced person to claim employment under land loser quota.

This Court opines that the present Writ Petition filed by the petitioner is devoid of merits since no mandamus lies contrary to the regulations and accordingly, the Writ Petition is dismissed. However, there shall be no order as to costs.

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

SD/- P. PADMANABHA REDDY
DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

To,

1. One CC to SRI. D. RAMAKRISHNA, Advocate [OPUC]
2. One CC to SRI. SRINIVASA SRIKANTH, STANDING COUNSEL [OPUC]
3. Two CCs to GP FOR SERVICES I ,High Court for the State of Telangana at Hyderabad [OUT]
4. Two CD Copies

B M
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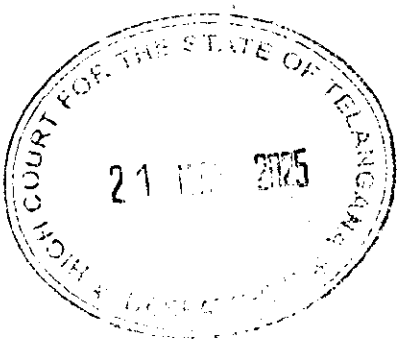
CC TODAY

HIGH COURT

DATED:25/04/2025

ORDER

WP.No.10085 of 2021



DISMISSING THE WRIT PETITION WITHOUT COSTS

21/5/2025