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APHC010135942023



**IN THE HIGH COURT OF ANDHRA PRADESH
AT AMARAVATI
(Special Original Jurisdiction)**

[3545]

MONDAY, THE SEVENTEENTH DAY OF NOVEMBER
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE BATTU DEVANAND

THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL NO: 356/2023

Writ Appeal under clause 15 of the Letters Patent to allow the Writ Appeal by setting aside the order dated 01.02.2022 in W.P.No. 13543 of 2019 and to pass

Between:

1. THE STATE OF ANDHRA PRADESH, REP. BY ITS PRINCIPAL SECRETARY, WATER RESOURCES DEPARTMENT, A.P. SECRETARIAT, VELAGAPUDI, AMARAVATHI GUNTUR DIST.
2. THE SUPERINTENDING ENGINEER, NTR.TGP CIRCLE, MAMILLAPALLI, YSR KADAPA DISTRICT.
3. THE DISTRICT COLLECTOR CUM CHAIRMAN,, DISTRICT SELECTION COMMITTEE, YSR KADAPA DISTRICT

...APPELLANT(S)

AND

1. RAJOLA JAGANNADHA REDDY, S/O R.BHASKAR REDDY, AGED ABOUT 32 YEARS OCC UN EMPLOYEE, RIO L.BALAJI NAGAR, B.MATTAM MANDAL, YSR KADAPA DIST.
2. GADDEM NARAYANA, S/O G.CHENNAIAH, AGED ABOUT 28 YEARS OCC UN EMPLOYEE, R/O JANDLAVARAMU, (V AND

P),MYDUKURMANDAL,KADAPA DIST.

3. PEDDAPOTHU RAMESH NAIDU, ,S/O P.KRISHNAIAH, AGED ABOUT 35 YEARS OCC UN EMPLOYEE,DOOR NO.7/808,ANJANEYANAGAR, SIDOUTROAD, BADVEL, KADAPA DIST.
4. YAMAVARAPUBABU, S/O BALAIAH, AGED ABOUT 38 YEARS OCC UN EMPLOYEE, R/O SRIRAMA NAGAR (V),NANDYALAMPET (POST), MYDUKUR MANDAL,KADAPA DISTRICT.
5. MUCHARLA CHANDRA SEKHAR, S/ M.RAMASWAMY, AGED ABOUT 33 YEARS OCC UN EMPLOYEE, L.B.NAGAR (V),JANGAMRAJUPALLI (POST), B.MATTAM MANDAL, KADAPA DIST.
6. DARISHA SURESH, , S/O D.SUBRAMANYAM, AGED ABOUT 35 YEARS OCC UN EMPLOYEE, LAKSHMI BALAJI NAGAR,B.MATTAM MANDAL KADAPA DISTRICT.
7. YANAMALA MALLIKARJUNA REDDY, S/O Y.ANKI REDDY, AGED ABOUT 3LYEARS OCC.UN EMPLOYEE, BHAGYANAGARAM (V),MYDUKUR MANDAL, KADAPA DISTRICT.
8. AVULA SREENIVASULA REDDY, S/O A.RAMI REDDY, AGED ABOUT 33 YEARS OCC.UN EMPLOYEE, DHAMKHANPALLI (V),ANNALURUPOST, MYDUKUR MANDAL,KADAPA DIST.
9. PEDDAPOTHU VEERA PRATHAP, S/O P.CHENNAIAH, AGED ABOUT 37 YEARS OCC.UN EMPLOYEE, BHAGYANAGARAM (V),MYDUKUR MANDAL, KADAPA DISTRICT.
- 10.PEDDAPOTHU VENKATA SUBBAIAH, S/O P.GANGANNA, AGED ABOUT 31YEARS OCC.UN EMPLOYEE, BHAGYANAGARAM (V),MYDUKURMANDAL, KADAPA DISTRICT.
- 11.KUNAPULI GANGI NAIDU, S/O K.PITCHI NAIDU, AGED ABOUT 47 YEARS OCC.UN EMPLOYEE, KOMMAROLE (V) AND (M),PRAKASAM DIST.
- 12.PERUGU SIDDAIAH, S/O P.PEDDAVEERAIAH, AGED ABOUT 32 YEARS OCC.UN EMPLOYEE, LAKSHMI BALAJI NAGAR,B.MATTAM MANDAL, KADAPA DISTRICT.

13. LANKALA VEERAIAH, LAKSHMI BALAJI NAGAR, AGED ABOUT 39 YEARS OCC.UN EMPLOYEE, B.MATTAM MANDAL,KADAPA DISTRICT.
14. GOLLAPALLI VARA KUMAR, S/O G.JERGE, AGED ABOUT 32 YEARS OCC.UN EMPLOYEE, Z.KOTHAPALLI (V),B.MATTAM (M),KADAPA DIST.
15. GOLLAPALLI JEMS, S/O G.PRABHUDAS, AGED ABOUT 44 YEARS OCC.UN EMPLOYEE, Z.KOTHAPALLI (V),B.MATTAM (M),KADAPA DIST
16. SIMHAM MALLAIAH, S/O S.MALLAIAH, AGED ABOUT 41 YEARS OCC UN EMPLOYEE, R.GOLLAPALLI (V),REKULAKUNTA POST, B.MATTAM MANDAL,KADAPA DISTRICT.
17. SIMHAM MALLIKARJUNA, S/O S.MALLAIAH, AGED ABOUT 27 YEARS OCCUN EMPLOYEE, R.GOLLAPALLI (V),REKULAKUNTA POST, B.MATTAM MANDAL, KADAPA DISTRICT.
18. KORIGAM RAMASUBBAIAH, ,S/O K.RAMASUBBAIAH, AGED ABOUT 36 YEARS OCC UN EMPLOYEE, KOTHAGANGAVARAM,J.R.RAVINDRANAGAR, MYDUKURMANDAL, KADAPA DIST.
19. CHEJERLA GURIAH, S/O C.GURIAH, AGED ABOUT 33YEARS OCCUN EMPLOYEE, KOTHAGANGAVARAM,J.R.RAVINDRANAGAR, MYDUKUR MANDAL, KADAPA DIST.
20. KORIGAMNAGASUBBAIAH, ,S/O K.SUBBARAYUDU, AGED ABOUT 30 YEARS OCC UN EMPLOYEE, KOTHAGANGAVARAM, J.R.RAVINDRANAGAR,MYDUKUR MANDAL, KADAPA DIST.
21. DASARIOBULAIAH, S/O D.RAMIAH, AGED ABOUT 31YEARS OCC UN EMPLOYEE, TGP COLONY,B.MATTAM,KADAPA DISTRICT.
22. BALADASARICHINNAPULLAIAH, SIO B.CHINNACHINNAIAH, AGED ABOUT 32 YEARS OCCUN EMPLOYEE,PRABHUNAGAR (V), B.MATTAM (M), KADAPA DISTRICT.
23. DASARIOBULAIAH, ,S/O D.RAMANJANEYULU, AGED ABOUT 29 YEARS OCC UN EMPLOYEE, PRABHUNAGAR (V), B.MATTAM

(M),KADAPA DISTRICT.

- 24.KOTAKANDU RAMANARAYANA, ,S/O K.SREERAMULU, AGED ABOUT 31 YEARS OCC UN EMPLOYEE, KOTHAGANGAVARAMJ.R.RAVINDRANAGAR, MYDUKUR MANDAL, KADAPA DIST.
- 25.KURAKU VENKATA SUBBAIAH, S/O K.SUBBAIAH, AGED ABOUT 36 YEARS OCC.UN EMPLOYEE, D.NO.2/108,PALAMPALLI (VANDP), CHENNUR MANDAL,KADAPA DISTRICT.
- 26.DASARIOBULESU, S/O D.PRAKASAM, AGED ABOUT 39 YEARS OCC.UN EMPLOYEE, PRABHUNAGAR (V), B.MATTAM (M),KADAPA DISTRICT.
- 27.BAYABIONARAMASUBBAIAH, S/O B.NAGAMMA, AGED ABOUT 42 YEARS OCC.UN EMPLOYEE, Z.KOTHAPALLI (RANDR CENTRE) B.MATTAM MANDAL,KADAPA DISTRICT.
- 28.KORIGAMTHIMMAIAH, S/O K. CHINNATHIMMAIAH, AGED ABOUT 30 YEARS OCC.UN EMPLOYEE, J.R.RAVINDRANAGAR,H/O NANDYALAMPET(V), MYDUKURMANDAL,KADAPA DISTRICT.
- 29.KORIGAM POLAIAH, ,S/O K.POLAIAH, AGED ABOUT 31 YEARS OCC.UN EMPLOYEE, J.R.RAVINDRANAGAR,MYDUKUR MANDAL, KADAPA DIST.
- 30.KORIGAM RAVI KUMAR, S/O K.THIMMAIAH, AGED ABOUT 30YEARS OCC.UN EMPLOYEE, J.R.RAVINDRANAGAR, H/O NANDYALAMPET(V), MYDUKUR MANDAL,KADAPA DISTRICT.
- 31.LAKKA KONDA REDDY, S/O L.C.VENKATA REDDY, AGED ABOUT 35 YEARS OCC.UN EMPLOYEE, L.BALAJINAGAR (V),B.MATTAM MANDAL, KADAPA DISTRICT.
- 32.KURAKUSREENIVASULU, S/O K.VENKATAIAH, AGED ABOUT 43 YEARS OCC.UN EMPLOYEE, CHENNAMPALLI MITTA,BADVEL MANDAL,KADAPA DIST.
- 33.VALLAMVEERAKALAVATHI, D/O VEERA RAGHAVA REDDY, AGED ABOUT 32 YEARS OCC.UN EMPLOYEE, KOTHABASAVAPURAMU,B.MATTTAM MANDAL, KADAPA DISTRICT.

34. NAGIPOGU RAJASEKHAR, S/O N.BALASWAMY, AGED ABOUT 39 YEARS OCC UN EMPLOYEE, NAGISETTYPALLI(V),NANDIPALLI POST, B.MATTAMMANDAL,KADAPA DIST.
35. SANGATINAGARAJU, S/O S.SUBBARAYUDU, AGED ABOUT 31 YEARS OCC UN EMPLOYEE, RAVINDRANAGAR,B.MATTAMMANDAL,KADAPA DIST.
36. SANGATI NAGIAIAH, S/O KURUMANNA, AGED ABOUT 30 YEARS OCC UN EMPLOYEE, RAVINDRANAGAR, SOMIREDDYPALLI(V), B.MATTAMMANDAL,KADAPA DIST.
37. VANKARA MADHAVA NARAYANA, ,S/O V.RAMAIAH, AGED ABOUT 26 YEARS OCC UN EMPLOYEE, TGP COLONY,B.MATTAM, KADAPA DIST.
38. CHALLA VEERANJANEYULU, S/O C.VEERAIAH, AGED ABOUT 28 YEARS OCC UN EMPLOYEE, SREEVEERABRAHMEMDRANAGAR,B.MATTAMMANDAL, KADAPA DIST.
39. OBULAPATHIGALLA SUBBANARASIMHULU, S/O O.PEDDANARASIMHULU, AGED ABOUT 32 YEARS OCC UN EMPLOYEE, J.R.RAVINDRANAGAR,H/O NANDYALAMPET(V), MYDUKURMANDAL,KADAPA DISTRICT.
40. CHAGALAMARRISREENIVASULU, S/O C.SUBBARAYUDU, AGED ABOUT 36 YEARS OCC UN EMPLOYEE,D.NO.12/580, SRI RAMANANJAYA NAGAR,SIDOTROAD, GOPAVARAM MANDAL,KADAPA DIST.
41. PATANSHAKEELA BHANU, D/O P.KAMALSHAB, AGED ABOUT 28 YEARS OCC UN EMPLOYEE,MOSQUE STREET, KALASAPADU MANDAL,KADAPA DIST.
42. LANKALANAGAMMA, D/O L.BALASUBBAIAH, AGED ABOUT 33 YEARS OCC UN EMPLOYEE,BALAJINAGAR (V), JANGAMRAJUPALLI (V),B.MATTAMMANDAL, KADAPA DISTRICT.
43. KURAKULAKSHMINARAYANA, S/O K. CHINNAVENKATAIAH, AGED ABOUT 43 YEARS OCC UN EMPLOYEE, D.NO.12/83,GANDHINAGAR, GOPAVARAM MANDAL, BADVEL,KADAPA DIST.

44. BAYANABIONASUBBARAJU, S/O B.NARASIMHULU, AGED ABOUT 30 YEARS OCC UN EMPLOYEE, Z.KOTHAPALLI (R AND R CENTRE), B.MATTAM MANDAL, KADAPA DISTRICT.

45. AVULAGURAPPUDU, S/O C.CHINNABALAIAH, AGED ABOUT 26 YEARS OCC UN EMPLOYEE, BHAGYANAGARAM (V), NAGASANIPALLI POST, MUDUKUR MANDAL, KADAPA DIST.

46. DARISA SIVARAMAKRISHNUNUDU, S/O D.YELLAIAH, AGED ABOUT 42 YEARS OCC UN EMPLOYEE, D., NO.1/445-6, ASHIK NAGAR, KADAPA DIST.

47. DASARI OBULAMMA, D/O D.DANAM, AGED 26 YEARS OCC UN EMPLOYEE, R/O RAVINDRANAGAR COLONY, SOMIREDDYPALLE, (V), B.MATTAM (M), KADAPA DISTRICT

...RESPONDENT(S):

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 condone the delay of 14 days in presenting the writ appeal against the order dt.01-02-2022 in WP.No.13543/2019 and pass

IA NO: 2 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 suspend the operation of the orders dated 01-02-2022 in WP.No.13543/2019 pending disposal of the writ appeal and pass

Counsel for the Appellant(S):

1. GP FOR SERVICES III (AP)

Counsel for the Respondent(S):

1. M R TAGORE

2..

The Court made the following:

THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA

WRIT APPEAL No.356 of 2023

JUDGMENT: *(Per Hon'ble Sri Justice Battu Devanand)*

This Writ Appeal has been filed against the order, dated 01.02.2022 in W.P.No.13543 of 2019 passed by the learned Single Judge of this Court.

2. Both the parties in the Appeal will be referred to as they are arrayed in the Writ Petition for convenience.

3. Heard the Government Pleader for Services-III for appellants/ respondents and learned counsel for the respondents/petitioners.

4. Submissions of the learned counsel for Writ Petitioners:

(i) All the petitioners are family members of the displaced persons under Telugu Ganga Project (TGP). Their lands were acquired by the Government for purpose of construction of the said Telugu Ganga Project. The Government formulated a scheme by issuing G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 in order to provide rehabilitation to the members of the displaced persons or their dependents, whose lands were acquired. By virtue of the said Government Order, the eligible candidates shall make applications to the concerned district Collector within a period of one year from the date of actual displacement of the family. Thereafter, the said condition was removed by issuing a Memo No.480-LAR(2)/87-2, I&CAD (Proj.Wing) Department, dated 24.08.1987. By virtue of the said Memo, the condition of making applications within a period of one year has been relaxed.

Therefore, the petitioners are also entitled for the same. As per G.O.Ms.No.98, dated 15.04.1986, 50% of the vacancies of the categories equivalent to Junior Assistants/Typists and the cadres below arising in Major & Medium Irrigation and Power Projects shall be filled up by the displaced families or their dependents and the candidates eligible for appointment under this schedule shall be the displaced persons or his/her, son/daughter or spouse there being no other earning member in the family. As such, the petitioners are also eligible for the same relief as per G.O.Ms.No.98, dated 15.04.1986.

(ii) It is further case of the petitioners that some of similarly situated persons have approached the Andhra Pradesh Administrative Tribunal at Hyderabad and filed O.A.No.9807 of 2009 and the Tribunal passed orders on 21.08.2009 directing the respondents to consider the case of those applications, as such, petitioners are also eligible for the same relief granted as per the order passed by the Tribunal in O.A.No.9807 of 2009. Therefore, they approached this Court seeking redressal.

5. Submissions of the learned Government Pleader:

(i) Though the lands of the petitioners were acquired during the year 1984 and earlier, they were actually displaced when the projects commenced operating and when the water entered into their lands i.e., on 19.09.2005. As such, the petitioners ought to have made applications by 18.09.2006 i.e., within the period of one year from the date of displacement. The petitioners have approached the authorities concerned belatedly, as such, they are not

entitled for the relief as claimed by them. The 2nd respondent passed the impugned order, dated 02.01.2019 on the ground that the petitioners belatedly approached the 2nd respondent and those applications are barred by limitation.

(ii) The Government Memo No.480-LAR(2)/87-2, I&CAD (Proj.Wing) Department, dated 24.08.1987 issued subsequent to Government Memo, dated 15.04.1986, wherein it was instructed that not to go on receiving such applications by the District Administrators/Project Administrators after elapsed period of decades. In the Government Memo No.11606/L.A.IV-R&R.II/2010-1, dated 14.05.2010 it was ordered that in Govt. Memo No.480, dated 24.08.1987 have issued clarification that the condition of one year limitation prescribed in G.O.Ms.No.98, dated 15.04.1986 is not applicable to the persons, who were already displaced prior to issue of G.O.Ms.No.98, dated 15.04.1986 and in the Memo, dated 24.08.1987, the time limit was prescribed for submission of application which could be on the assumption that same one year time limit prescribed in G.O.Ms.No.98, dated 15.04.1986. He further contends that in the Government Memo No.377787/R&R-A2/2016-1, dated 28.10.2016 it was again clarified that the Government Memo No.11606, dated 14.05.2010 holds good and presently operating. The petitioners submitted their applications seeking employment long after cutoff date/dead line prescribed viz., 18.09.2006 and are not entitled for employment under displaced persons quota as per the existing Government instructions which are in operation.

6. Findings and order of the learned Single Judge:

“As stated earlier, after issuing G.O.Ms.No.98, the condition of making applications within a period of one year has been relaxed through Memo No.480-LAR(2)87/2, dated 24.08.1987. In such circumstances, the cutoff date pleaded by the learned Government Pleader cannot be sustained.

It is further observed in the impugned order that the application, dated 27.02.2018 submitted by the petitioners was rejected on the ground that the petitioners have not furnished supporting documents along with the application in order to include their names in the seniority list of the displaced persons quota.

In that view of the matter, the impugned order, dated 02.01.2019 vide in Speaking order No.SE/NTR.TGP Circle/Kdp/EC5/G3 passed by the 2nd respondent is hereby set aside. The petitioners are directed to submit the relevant documents referred to in the impugned order, dated 02.01.2019 within a period of one (01) month from the date of the receipt of a copy of the order. On such submission, the 2nd respondent is directed to consider the case of the petitioners in terms of G.O.Ms.No.98, dated 15.04.1986 and also on par with the order of the Tribunal in O.A.9807 of 2009, dated 21.08.2009, within a period of three (03) months thereafter.”

7. Aggrieved by the order of the learned single Judge of this Court, the respondents in the writ petition preferred the present writ appeal.

8. This Court gave anxious consideration to the submissions made by respective counsel appearing on either side and carefully examined the material available on record.

9. **Admitted facts of the case:**

(i) The writ petitioners are the family members of the displaced persons and their valuable lands were required by the Government for the purpose of construction of Telugu Ganga Project during the year 1984. It is also an admitted fact that the lands of the petitioners were acquired much prior to issuance of the guidelines for providing employment under G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986. Though the lands of the petitioners' families were acquired earlier to the year 1984, their families were displaced from the said lands in the year 2005 when the project commenced with operation and when the water entered into their lands. Later, in terms of G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986, names of the petitioners were placed in the eligible master list prepared in the year 2009 considering them for appointment against 50% quota meant for displaced persons against the posts of Junior Assistants/Typists and below cadre meant for direct recruitment. In fact, the names of the petitioners were considered for appointment after verification of all the documents and their names also placed in the master eligibility list prepared in the year 2009 at serial Nos.448, 517, 509, 543, 445, 453, 472, 488, 497, 498, 525, 511, 542, 487, 489, 329, 465, 335, 464, 516, 598, 528, 530, 502, 461, 529, 625, 589, 334, 581, 442, 547, 612, 580, 479, 556, 592, 408, 438, 522, 555, 627, 586, 462 and 440 respectively. It is also an admitted fact that many candidates were given appointment who are in the said list of eligible candidates.

(ii) When the claim of some of the similarly situated displaced persons was rejected for providing employment, they approached the erstwhile Andhra Pradesh Administrative Tribunal by filing O.A.No.7917 of 2003 and the said O.A. was allowed in their favour by order, dated 16.07.2007 with a direction to the respondents therein to consider their applications without limitation and also without reference to the cutoff date and directed to appoint them as per the conditions laid in G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 as per their eligibility and suitability within the stipulated time. Thereafter, 112 other candidates, who are similarly situated persons, have filed O.A.No.9807 of 2009 and the said O.A. was disposed on 01.08.2009 in terms of the order passed in O.A.No.7917 of 2003, dated 16.07.2007 with a direction to consider the applicants therein for appointment without following cutoff date for submitting applications. One of the interesting points to be noted here is that some of the applicants in O.A.No.9807 of 2009 were placed below than the writ petitioners herein in the “master eligibility list”. However, in compliance of the order of the Andhra Pradesh Administrative Tribunal in O.A.No.9807 of 2009, dated 01.08.2009, they were appointed under displaced persons category. The claim of the petitioners was not considered, though their names were also in the same master eligibility list prepared in the year 2009. At that stage, it appears the petitioners have submitted representations to consider their claim for appointment in any suitable post as per the eligible master list. As their claim is not considered, the writ petitioners have filed O.A.No.2387 of 2018 seeking relief to consider their claims for appointment

under displaced persons category in terms of G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986.

(iii) In the counter-affidavit filed in O.A.No.2387 of 2018, the State Government i.e., appellants herein did not deny the facts and admitted that though the writ petitioners lands were acquired in the year 1984, they were displaced from the lands in the year 2005 when project commenced of operating and when water entered into their lands and the names of the petitioners were placed in the eligible master list at various points with full details and further stated that the claim of the petitioners will be considered as and when vacancies arose as per the order of the seniority. Later on, O.A.No.2387 of 2018 filed by the writ petitioners was disposed of on 12.10.2018 with a direction to consider the representation of the petitioners, dated 27.02.2018 within a period of 10 weeks as per the G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986. Thereafter, the claim of the petitioners was rejected vide proceedings, dated 02.01.2019 by the Superintendent Engineer, NTR Telugu Ganga Project Circle, Kadapa, Y.S.R. District i.e., 2nd appellant herein on the ground that the petitioners have applied for the jobs without supporting documents, such as, original proof of award, no earning members in the family, financial status certificate, educational qualifications certificates, dependants certificates, etc., and the applications of the petitioners are time barred from the date of cutoff date i.e., 18.09.2006.

(iv) Aggrieved by the said rejection order, dated 02.01.2019, the petitioners approached this Court by filing writ petition No.13543 of 2019. The main ground for rejecting the petitioners' claim is that there is a delay in submitting the applications and barred by limitation as the cutoff date is prescribed as 18.09.2006 and the second reason is for not submitting the required documents as mentioned herein above. After hearing both sides, the learned single Judge of this Court by a reasoned order has disposed of the writ petition while setting aside the order impugned, dated 02.01.2019 and directed the petitioners to submit the relevant documents referred in the impugned order, dated 02.01.2019 within a period of one month from the date of receipt of the order and on such submission, the 2nd respondent therein is directed to consider the case of the petitioners in terms of G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 and in the light of the order, dated 21.08.2009 in O.A.No.9807 of 2009 within a period of three (03) months thereafter. The order, dated 01.02.2022 in W.P.No.13543 of 2019, of the learned single Judge of this Court is under challenge in the present writ appeal by the State.

10. Issue for consideration:

"The issue to be considered herein is whether one year time stipulated in G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 is applicable to the writ petitioners or not and the appellants can reject the claim of the writ petitioners on the ground that it is time barred, contrary to the State Government decision relaxing one year time frame in its Memo No.480-LAR(2)/87-2, I&CAD (Proj.Wing) Department, dated 24.08.1987 and contrary to

the order of the Apex Court in Special Leave to Appeal (Civil) No.14305 of 2011?”

11. Discussion and Analysis:

(i) In fact, the State Government way back in the year 1978 took a policy decision to provide jobs to the displaced persons/their dependants of the project on a regular basis considering the hardship being faced by the displaced persons, whose lands were acquired for various public purposes including major and medium organization and power projects and accordingly issued G.O.Ms.No.676, Irrigation & Power Department, dated 17.11.1978. In the said G.O. it is provided that preference in recruitment to the posts equivalent to Lower Divisional Clerk (now Junior Assistant), Typists and the cadres below, in the projects should be given to the eligible displaced persons or their dependants i.e., son/daughter/spouse of their names are furnished by the respective Collectors. The Collectors were requested to draw the list of those eligible displaced persons for the said jobs in the projects and forward to the Project Authorities for making appointments to them.

(ii) In supersession of the orders in G.O.Ms.No.676, Irrigation & Power Department, dated 17.11.1978, the Government has issued certain orders vide G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 to provide jobs to the displaced persons of the project or their dependants as extracted herein under:

i) Not more than 50% of the vacancies of the categories equivalent to Junior Assts./Typists and the cadres below arising in Major & Medium Irrigation & Power Projects shall be filled up by the displaced families or

their dependants of a respective project duly following the reservations for various categories viz. SC, ST, BC, Ex-Serviceman, Physically Handicapped and Meritorious Sportsman, etc.,

ii) The candidates eligible for appointment under this schedule shall be the displaced persons or his/her son/daughter or spouse there being no other earning member in the family;

iii) Applications for appointment from the eligible candidates shall be made to the District Collector concerned within a period of one year from the date of actual displacement of the family. Preference shall be given with reference to the date of displacement and to those applicants whose houses and lands are acquired against those whose land or house only is acquired. The District Collector shall draw up a list of such application and forward the same to the Project Authorities for appointment;

iv) All appointments made in this scheme shall be temporary to state with. However, the services of these employees will be regularized in the categories of posts whose pay is equal less than that of Jr. Assts.

v) The temporary appointment of the persons employed under this scheme can be considered for regular appointment without subjecting them to normal process or recruitment rules provided they satisfy other conditions of recruitment prescribed in the rules, such as age, and educational qualifications, etc. However, a formal notification may be made to the employment exchange and after filling up the vacancy, the appointing authority will furnish all relevant particulars of the candidates, the employment exchange covering the area;

vi) The regular appointment made under this scheme should be kept outside the purview of the A.P. Public Service Commission. Necessary amendments to the A.P. Public Service Commission regulations shall be issued separately.

(iii) The condition No.iii extracted herein above stipulated that the applications for appointment from the eligible candidates shall be made to the District Collector concerned within a period of one year from the date of actual displacement of the family. Considering the fact that many displaced persons were deprived of the opportunity of employment due to the said condition, the State Government after careful consideration of the matter, have decided to relax the said condition and directed that the condition of applying for appointment within one year from the date of displacement does not apply to such of the persons/families, who are displaced prior to the issuance of G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 and accordingly issued a Memo No.480-LAR(2)/87-2, I&CAD (Proj.Wing) Department, dated 24.08.1987 to that effect.

(iv) It appears that as and when several displaced persons and their dependant family members under various projects were denied the benefit of providing jobs under the land displacement category as provided in G.O.Ms. No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986, they had approached the erstwhile Andhra Pradesh Administrative Tribunal on several occasions and it is evident that the Administrative Tribunal had passed several orders directing the State Authorities to consider the case of the displaced persons without reference to one year time stipulated in G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 and to provide jobs to them as per the policy.

(v) The O.A.No.7917 of 2003 was disposed of by order, dated 16.07.2007 and O.A.No.9807 of 2009 disposed on 01.08.2009 and O.A.No.10637 of 2009 disposed on 30.07.2010 by the erstwhile Andhra Pradesh Administrative Tribunal directing the State Authorities to consider the case of the applicants therein for appointment in terms of G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 irrespective of date of their applications or irrespective of the limitation prescribed therein as per their eligibility and suitability. The order, dated 30.07.2010 in O.A.No.10639 of 2009 passed by the Andhra Pradesh Administrative Tribunal, Hyderabad was challenged by the State in the Composite High Court of Andhra Pradesh at Hyderabad in W.P.No.2436 of 2011. The said writ petition was dismissed by a Division Bench by order, dated 08.02.2011. The relevant portion of the said order is extracted herein under:

“Admittedly, the land of the 1st respondent was acquired by the government for certain purpose and he, along with his family, was displaced from the village. The Government issued G.O.Ms.No.98, dated 15.04.1986, extending the benefit of providing jobs to the displaced persons. Subsequent thereto, a memo was issued by the Government on 24.08.1987 relaxing the condition of applying for appointment within one year from the date of actual time, to the persons who were displaced prior to issuance of the said G.O. The Government itself has framed a policy of providing jobs to the displaced persons and also relaxed the condition of applying for appointment within one year, to the persons displaced prior to the issuance of G.O. The Tribunal has rightly exercised its discretion in directing the petitioners herein to consider the application of the 1st respondent for appointment. We do not find any injustice or any reason, warranting interference by this Court in the order passed by the Tribunal.”

(vi) Dissatisfied with the said order, the State carried the matter to the Apex Court in Special Leave to Appeal (Civil) No.14305 of 2011. The said Special Leave Petition was dismissed by the Apex Court by order, dated 04.07.2011. As such, it is clear that the order, dated 13.06.2010 in O.A.No.10637 of 2009 of the Andhra Pradesh Administrative Tribunal, Hyderabad has become final.

12. Reasons & Findings:

(i) In the present case, the writ petitioners are similarly situated persons to the applicants in O.A.No.10637 of 2009 and as the applicants therein were provided job as per the order of the Tribunal wherein it is directed that irrespective of date of application or irrespective of limitation prescribed in G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986, had been implemented after dismissal of the Special Leave Petition by the Apex Court on 04.07.2011. As such, now the State cannot take stand that the claim of the writ petitioners herein is time barred.

(ii) It is an admitted fact that prior to issuance of G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986, the lands of the petitioners were acquired by the State. As such, the time prescribed in G.O.Ms.No.98, Irrigation (Proj.Wing) Department, dated 15.04.1986 to submit the applications for appointment from the eligible candidates is need not to be taken into consideration in the light of the orders of this Court and Apex Court as discussed supra. Thus, the action of the State Authorities in rejecting the

claim of the writ petitioners on the ground of time barred is untenable and unsustainable and liable to be dismissed.

(iii) The contention of the respondents that the writ petitioners are not entitled to claim employment as per G.O.Ms.No.98, Irrigation (Proj.Wing), dated 15.04.1986 and Memo, dated 24.08.1987 in the light of the subsequent Memos, dated 22.12.2005, 14.05.2010, 29.10.2010 and 28.10.2016 issued by the Government has no substance. The Government Order in G.O.Ms.No.98, Irrigation(Proj.Wing) Department, dated 15.04.1986 envisages compassionate appointment to displaced persons on account of loss of their livelihood and intends to compensate their source of living. Accordingly, the Government Memos, dated 22.12.2005, 14.05.2010, 29.10.2010 and 28.10.2016 relied on by the Government Pleader cannot override the effect of G.O.Ms.No.98, Irrigation (Proj.Wing), dated 15.04.1986 and Memo No.480-LAR(2)/87-2, I&CAD (Proj.Wing) Department, dated 24.08.1987. What is stated in the Memos relied by the learned Government Pleader have no relevance to the petitioners' case. In view of the admitted fact that the names of the petitioners were included in the "Master Eligibility List" prepared in the year 2009 and many candidates, who were in the same list were appointed under displaced persons category as per the Administrative Tribunal Orders, which were attained finality as per the order of the Apex Court, stated supra, the contention of the Respondents on this aspect is unsustainable and accordingly rejected.

13. We are very conscious that appointments on compassionate grounds, whether it is meant for land displaced persons or for death of an employee in harness, whatever it may be, it is settled general principles of law that no one can claim it as a matter of right. But, when a policy/scheme is formulated by the State for rehabilitation to provide employment to a member of the displaced/uprooted family to ensure social security, the State authorities are duty bound to implement the policy/scheme in true letter and spirit and beneficiaries under said policy/scheme are entitled to claim the benefits provided under the scheme and the terms of the policy can be enforced.

14. Our view is fortified by the following decisions:

(i) In a case of **Anil Kumar vs. Union of India and others**¹, wherein the Apex Court dealing with the case where the family of the appellant was displaced due to acquisition of land for establishment of Arrah-Sasaram Project and rejected the claim to provide a job as per policy Circular, dated 01.01.1983, the Apex Court while allowing the appeal held that where a policy has been laid down by Union Government, as in the present case, the terms of the policy can be enforced and accordingly directed that the claim of the appellant for appointment to a Group 'D' post shall be implemented within a period of two months from the date of its order by granting age relaxation, if required. The relevant portion of the said judgment is extracted herein under:

“For the above reasons, we have come to the conclusion that the rejection of the claim of the appellant was contrary to the terms of the binding policy circular formulated by the Union of India in the Ministry of

¹ (2019) 5 Supreme Court Cases 591

Railways. Undoubtedly, the grant of appointment to persons displaced as a result of acquisition is a matter which is within the purview of the policy discretion. No mandamus can lie in the absence of policy. However, where a policy has been laid down by the Union Government as in the present case, the terms of the policy can be enforced. The rejection of the claim of the appellant was for extraneous reasons and based on irrelevant considerations. The Government in the Ministry of Railways formulated a policy. The failure of implementation results in a failure of social justice. The policy circulars were substantive attempts to enhance social welfare. Denial of benefits to the appellant has led to a long and tortuous road to justice.”

(ii) In a case of **State of Himachal Pradesh and another vs. Shashi Kumar²nil Kumar vs. Union of India and others³**, wherein the Apex Court dealing with the case to provide compassionate appointment to a dependant of a deceased employee, who died in harness, held that though it is a well settled principle of law that there is no right to compassionate appointment, but where there is a policy, the defendant member of the deceased employee is entitled for the same. The relevant portion of the said judgment is extracted herein under:

“While considering the rival submissions, it is necessary to bear in mind that compassionate appointment is an exception to the general rule that appointment to any public post in the service of the State has to be made on the basis of principles which accord with Articles 14 and 16 of the Constitution. Dependants of a deceased employee of the State are made eligible by virtue of the policy on compassionate appointment. The basis of the policy is that it recognizes that a family of a deceased employee may be placed in a position of financial hardship upon the untimely death

² (2019) 3 Supreme Court Cases 653

³ (2019) 5 Supreme Court Cases 591

of the employee while in service. It is the immediacy of the need which furnishes the basis for the State to allow the benefit of compassionate appointment. Where the authority finds that the financial and other circumstances of the family are such that in the absence of immediate assistance, it would be reduced to being indigent, an application from a dependant member of the family could be considered. The terms on which such applications would be considered are subject to the policy which is framed by the State and must fulfill the terms of the Policy. In that sense, it is a well-settled principle of law that there is no right to compassionate appointment. But, where there is a policy, a dependant member of the family of a deceased employee is entitled to apply for compassionate appointment and to seek consideration of the application in accordance with the terms and conditions which are prescribed by the State.”

(iii) In a case of **M. Dillibabu vs. Tamilnadu Generation and Distribution Corporation Ltd.**,⁴ the Madras High Court while dealing with a writ petition wherein the claim of the member of the land displaced person has been denied contrary to the scheme prescribed by the Tamilnadu Generation and Distribution Corporation Limited, it is held that the respondents are duty bound to perform their obligation by providing job assistance under the rehabilitation scheme subject to satisfy the eligibility criteria. The relevant portion of the said judgment is extracted herein under:

“This Court has no agreement with the stand taken by the respondents in the orders impugned herein. The Government having evolved a scheme for employment for land losers and the same having been adopted by the respondents, they cannot wriggle out from the commitment made. It is to be pointed out that the petitioner's lands were acquired for the purpose of setting up the North Chennai Thermal Power Station. However, the

⁴ 2021 Supreme (Mad) 1037

petitioner's repeated representations to the respondents were not properly considered and his claim was ultimately, rejected, stating that his father was working as Fitter Grade II in North Chennai Thermal Power Station and the lands which were acquired could not be termed as the major source of income of his family. The reasons so adduced by the respondents cannot be accepted by this Court, in view of the admitted fact that at the time of acquisition itself, he was working and that, the lands were acquired with an assurance of providing employment to the land losers. Furthermore, this Court already passed an order in W.P.Nos.13789, 13790 and 13791 of 2011 dated 22.09.2011, directing the District Collector to prepare the list of lands losers/displaced persons and directing the Board to give appointment to one member in a family, whose lands were acquired. However, the respondents have not provided job assistance under the rehabilitation scheme to the petitioner till date. That apart, the decisions relied on the side of the respondents cannot be applicable herein, as the facts involved therein are factually distinguishable. Therefore, the orders impugned herein are liable to be set aside."

15. Before parting with this order, we intend to place the following observations on record:

(i) The Governments itself framing the policies for providing jobs to the displaced persons whose lands were acquired for various public purposes, to ventilate the grievances and the hardships being faced by them with a laudable intention by making certain promises to those displaced persons. Then, it is the duty and responsibility of the State Authorities to fulfill the promises made in such policies without raising any technicalities or on flimsy grounds. What the State authorities have to consider is (1) whether the applicant is really displaced person or dependant of the displaced family or

not? (2) Whether the candidate is eligible and suitable as per the respective schemes? Besides this, it is the duty and responsibility of the State Authorities to fulfill all promises made to the displaced persons within time frame to provide immediate rehabilitation to them to overcome from the hardships they have to face immediately after displacement from their lands.

(ii) In our society, no one can forget the attachment of people with their lands. Nobody, normally, will be ready to lose their lands, as they love it like their mother. But, when such lands are required for public purposes, though the owners of the lands are not agreeing to give their lands, Government is acquiring the lands as per Land Acquisition Act and the political executive is making several promises, like to provide employment to one member in the displaced persons family, as they are deprived of livelihood. If such promises are not fulfilled within reasonable time by raising technicalities and on flimsy grounds, the people loose trust on the State Executive. It makes them painful and then, it may leads to unrest. As such, State has to avoid such situations by implementing the rehabilitation schemes properly and promptly.

16. For the aforesaid reasons and findings, in our considered opinion, the action of the State Authorities in rejecting the claim of the writ petitioners is unsustainable, untenable and contrary to the settled law. There is no substance in the contention of the State that the order of the learned single Judge is illegal and erroneous. In our considered view, the learned single Judge has considered all aspects and passed a reasoned order. Therefore, we are not inclined to interfere into the same.

17. Accordingly, this writ appeal is dismissed.

18. There shall be no order as to costs.

As a sequel, miscellaneous petitions pending, if any, shall stand closed.

JUSTICE BATTU DEVANAND

JUSTICE A.HARI HARANADHA SARMA

Dated:17. 11.2025

PGR

**THE HON'BLE SRI JUSTICE BATTU DEVANAND
&
THE HONOURABLE SRI JUSTICE A. HARI HARANADHA SARMA**

WRIT APPEAL No.356 of 2023

Dt.17.11.2025

PGR