

CASE NO.:
Appeal (civil) 1953 of 2007

PETITIONER:
D.G.M.(HR) P.G. Corpn.of India Ltd.

RESPONDENT:
T. Venkat Reddy & Ors.

DATE OF JUDGMENT: 13/04/2007

BENCH:
Dr. ARIJIT PASAYAT & D.K. JAIN

JUDGMENT:
J U D G M E N T
(Arising out of SLP (C) No.16600 of 2005)

Dr. ARIJIT PASAYAT, J.

Leave granted.

Appellant questions correctness of the order passed by a Division Bench of the Andhra Pradesh High Court disposing of the writ appeal filed questioning correctness of the orders passed by a learned Single Judge. The factual position in a nutshell is as follows:-

Respondents claimed to be the owner of certain extent of lands which was acquired by the appellant for the purpose of establishing a sub-station. Respondents filed a writ petition seeking a direction to the appellant to consider their cases for appointment to a suitable post because they answered the description of displaced persons. They placed reliance on letter dated 3.1.2005 issued by the appellant. Learned Single Judge disposed of the writ petition directing the respondents to consider the cases of the appellant within a period of four weeks as per the Schemes or Rules framed therein.

Appellant questioned the correctness of the order passed by learned Single Judge stating that the lands in question were acquired in 1982 and neither at that point of time of acquisition or subsequently there was any scheme to provide any employment to the displaced persons, whose lands were acquired for the purpose of establishing a sub-station. It was pointed out that the letter, on which reliance was placed, was issued in response to the request of one of such alleged displaced person. The letter clarified the position that no scheme was prevalent in the appellant-corporation. The stand of the writ petitioners was to the effect that in almost every organization controlled by the State, oustees of the lands or their dependants are provided with employment and the appellant, being a State-owned Corporation, cannot take a different stand.

The respondents claimed to be the owner of the land acquired for establishing sub-station. The Division Bench held that no scheme exists in the appellant-Corporation to provide employment to the land oustees or their dependants and that much time had elapsed since the acquisition. It was, however, of the view that a semblance of priority can be recognized so

far as the respondents are concerned and as and when the appellant undertakes employment preference was to be given to respondents. By its very nature, priority pre supposes the existence of preference, other things being equal. The respondents cannot be conferred with the benefit of any exemption or relaxation but whenever the appellant-Corporation undertakes to any employment to any unskilled posts, first it shall consider the case of appellants preferentially, subject to their eligibility and fulfilment to other conditions. It was further directed that in case they were found to be qualified and equal to other persons seeking "such employment", the respondents shall be considered on priority basis.

According to learned counsel for the appellants there is no scheme in operation and, therefore, the question of providing any priority to any land oustee or his dependants does not arise.

By way of reply, learned counsel for the respondents submitted that the order of learned Single Judge and the Division Bench being very innocuous should not be interfered with. No direction for employment has been given and what has been directed is its consideration.

At this juncture it would be relevant to take note of what has been stated by this Court in Butu Prasad Kumbhar and Others v. Steel Authority of India Ltd. and Others [1995 Supp (2) SCC 225]. The apprehension of the learned counsel for the appellant that the implementation of the High Court's order would lead to opening of flood gates to similar writ petitions does not appear to be of any substance. The direction for consideration when other persons seek "such employment" can only mean when somebody else is seeking employment as a land oustee or his dependant. Obviously, if there is no scheme, there cannot be any consideration of any prayer for employment on the basis of land oustees or his dependants. Therefore, only clarifying the position that the direction of the High Court relating to "such employment" will be in relation to persons seeking employment as land oustees or their dependants. If there is no scheme, the question of giving any employment would not arise. It is also clear from the order of the High Court that the respondents cannot be conferred with any benefit or exemption or relaxation.

Appeal is accordingly disposed of. No costs.