

**HON'BLE DR. JUSTICE K. MANMADHA RAO**

**WRIT PETITION (AT) Nos.174, 175, 176, 177, 178, 179,  
263, 313, 74, 268, 271, 278, 279 and 587 of 2021**

**COMMON ORDER :**

As the issue involved in these writ petitions is one and the same, these matters are taken up together for disposal by this Common Order.

2. The facts in these writ petitions are similar and identical, therefore W.P.(AT) No.174 of 2021 is taken as lead case, and the facts therein are referred to for convenience.

3. The grievance of the petitioners in all these cases is that the Government formulated a scheme providing a provision of Employment to the displaced persons or their dependants vide G.O.Ms.No.98 I & CAD, dated 15.04.1986 and framed certain guidelines directing the concerned appointment authorities to fill up 50% vacancies of the categories of equivalent to Junior Assistant/Typists and the cadre below arising in Major & Medium Irrigation and Power Projects by the displaced families/or their dependants i.e., displaced persons or his/her son, daughter or spouse in the

family, of the respective project duly following the rule of reservation for various categories viz., SC/ST/BC/Ex. Serviceman/Physically Handicapped & meritorious Sportsman etc. In view of the above, 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, preference shall be given with reference to the date of displacement and to those applicants whose houses and land are acquired against those whose land or house only is acquired. Thereafter, the concerned District Collector shall forward the same to the Project authorities for appointment. Accordingly, the petitioners have made representations/applications and some of the families were benefited. Therefore, some of the displaced families and dependants have made applications to the authorities to provide employment as was done in the case of others. However, the respondents have not taken any action. Aggrieved by the same, the writ petitions have been filed.

4. The counter affidavits are filed in all three matters, for convenience, the averments in counter in W.P.(AT) No.174 of 2021 are stated as under:

The counter affidavit is filed by the respondents denying all the averments made in the petitions and contended that the date of displacement of the families in the Projects. As per para 4(iii) of G.O.Ms.No.98, dated 15.04.1986 the applications for appointment from the eligible candidates shall be made to the District Collector concerned. However, the petitioners have not made any applications to the District Collector concerned for appointment under displaced persons quota till date. It is further stated that in view of number of court cases filed by the displaced persons the Government has issued G.O.Ms.No.45, dated 04.07.2012 and also approved the integrated seniority list of 962, duly suspending all the seniority lists of 766 and 247 candidates, prepared under G.O.Ms.No.44, dated 31.03.1999 and G.O.Ms.No.247 dated 29.12.2008 respectively. The name of the petitioner is not covered in any of the seniority list.

It is further stated that in a similar case, the Tribunal in its judgment dated 05.02.2015 dismissed the O.A No.2409 of 2012 filed by Sri M. Satyanarayana S/o Sundaraiah, displaced person under Srisailem Project stating that “the petitioner in the present case has applied for the job on 18.08.2007 i.e., after a gap of about 28 years and he is not eligible for consideration as per G.O.ms.No.98 read with clarifications given vide Memo No.37498/L.A.IV-R.R-II/2010-I, dated 14.05.2010. In view of the above, the petitioner name was not included in the integrated seniority list displaced persons quota, as per para 4(iii) of G.O.Ms.No.98, dated 15.04.1986 read with clarifications given in Memo No.37498/L.A.IV-R.R-II/2010-I, dated 14.05.2010. it is also stated that the petitioner has not submitted any job application to the District Collector concerned till to date and hence he is not eligible for any post under displaced persons quota. There is nothing illegal on the part of the respondents in not considering the case of the petitioners. Hence, prayed to dismiss the writ petitions.

5. The pleadings which are cited by the petitioner in W.P.(AT). No.174 of 2021, the same are adopted by the other petitioners in other writ petitions i.e., W.P.(AT) Nos.175, 176, 177, 178, 179, 263, 313, 74, 268, 271, 278, 279 and 587 of 2021 and the counters filed by the respondents in all these writ petitions are also one and same.

6. Heard Mr. Ram Gopal Rao, learned counsel appearing for the petitioners; and learned Government Pleader for Services-III appearing for the respondents.

7. During hearing, both the learned counsel for the petitioners reiterated the averments made in the petitions, whereas learned Government Pleader for the respondents also reiterated the contents made in the counter affidavits.

8. It is pertinent to mention here that, admittedly, the lands of the petitioners were acquired by the Government for certain purposes and the petitioners along with their families were displaced from the villages respectively. The Government has 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 the 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.

9. During hearing, this Court observed that one of the similarly situated person was approached the Hon'ble Administrative Tribunal at Hyderabad by way of filing O.A.No.7917 of 2003 for considering his case for appointment in the vacancies that are arising under Srisailem Project circuits in both SRBC and SLBC and any suitable post forthwith. The Tribunal, vide order, dated 16.07.2007, has allowed the application and directed the respondents to consider the case of the petitioner therein for appointment in terms of G.O.Ms.No.98 irrespective of date of application or irrespective of the limitation prescribed

therein and pass necessary orders within a period of eight weeks. Aggrieved by the same, the respondents i.e., Secretary Irrigation and Command Area Development Department has preferred writ petition before a single Bench of this Court vide W.P.No.2436 of 2011 and the same was dismissed vide order, dated 08.02.2011, confirming the tribunal order.

10. This Court further observed that, similarly situated persons were preferred O.A.No.10637 of 2009 before the Tribunal and the same was allowed vide order dated 30.06.2010 directed the respondents to consider the case of the petitioners therein in terms of G.O.Ms.No.98. Being not satisfied with the same, the Government has preferred writ petition before a Division Bench of this Court vide W.P.No.2436 of 2011 and the same was also dismissed confirming the Tribunal order. Challenging the same, the Government has preferred SLP before the Hon'ble Supreme Court vide Special Leave to Appeal (Civil) Nos.14305 of 2011 and the same was also dismissed vide order dated 04.07.2011, wherein it was stated that "*we are not inclined*

*to interfere in this matter in exercise of the Court's jurisdiction under Article 136 of the Constitution."*

11. Again the Government has preferred writ petitions before a Division Bench of the Hon'ble High Court of Judicature of Andhra Pradesh at Hyderabad with regard to the same subject, and the same were dismissed vide common order dated 22.08.2012, wherein it was observed as under:

*"when the lands are acquired, be it for reservoir, canal or any ancillary purpose, we are of the opinion that the displaced persons are entitled to be considered in terms of G.O.Ms.No.98 Irrigation (PW) Department, dated 15.04.1986. Therefore, we do not see any merit in the contention raised on behalf of the petitioners herein. Consequently, we do not see any reason to interfere with the orders passed by the Tribunal. Hence, the writ petitions fail and are accordingly dismissed."*

12. This Court further observed in Writ Petition Nos.686 and 3711 of 2017, wherein the first writ petition was filed by an individual i.e., P. Srinivas, S/o Devaiah, seeking implementation of the judgment of A.P. Administrative Tribunal and the second writ petition was filed by the State of Telangana challenging the order of the

Tribunal and the same were disposed of vide common order dated 04.12.2017 with some modifications. The operative portion of the order, as under:

*“therefore, both the writ petitions are disposed of modifying the order of the Tribunal to the following effect:*

*The procedure prescribed by G.O.Ms.No.98 dated 15.04.1986, shall be applied uniformly, both in respect of the applicant and in respect of the other candidates who now remain out of employment and they shall be provided employment in the order of preference indicated in the government Order G.O.Ms.No.98. the government shall take action as per the seniority so fixed as per G.O.Ms.No.98”*

13. On perusing the above, it appears that the individual therein has approached the Tribunal with a grievance that he was not provided employment under the scheme floated for the benefit of persons whose lands and/or houses were submerged when huge irrigation projects were undertaken. Reliance was placed by the applicant before the Tribunal on G.O.Ms.No.98 dated 15.4.1986 and the tribunal has issued a direction to the Government to appoint the applicant as Junior Assistant or in any other equal post in the existing vacancies by giving preference in terms of para-4(iii) of G.O.ms.No.98 dated

15.04.1986. Though the Government has not aggrieved by the substantial portion of the direction so issued, they have come up with second writ petition on the ground that the individual can be given appointment only as per the seniority in the list maintained by the department.

14. In other words, the only grievance of the Government is that they cannot provide out of turn employment to the original applicant. It also observed that the applicant therein seeking is only a preferential treatment in terms of para-4(iii) of G.O.Ms.No.98. But the problem is that whether persons whose names are shown above the name of the original applicant, lost only land or house and whether their stand in comparison to the original applicant at a disadvantage or not. Unless it is established that any one or more persons who lost either land or house has been included in the list of 397 persons over and above the original applicant, it is not possible to give a direction as has been given by the tribunal.

15. Having regard to the facts and circumstances and on considering the submissions of both the counsels, this Court is of the considered view that, directing the

respondents to consider the cases of the petitioners, the procedure prescribed by G.O.Ms.No.98 dated 15.04.1986 shall be applied uniformly both in respect of the petitioners and in respect of the other candidates who now remain out of employment and they shall be provided employment in the order of preference indicated in the Government order G.O.Ms.No.98. Further, it is directed that the Government shall take action as per the seniority so fixed as per G.O.Ms.No.98, dated 15.04.1986.

16. With the above direction, all the Writ Petitions are disposed of. There shall be no order as to costs.

As a sequel, all the pending miscellaneous applications shall stand closed.

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**DR. K. MANMADHA RAO, J.**

*Date : 13-12-2022*  
*Gvl*

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*Date : .12.2022*

*Gvl*