
(1995) 05 PAT CK 0021

In the Patna High Court

Case No : Civil Writ Jurisdiction Case No. 1202 of 1992 (R)

Mohd. Jalil Ansari

APPELLANT

Vs

Steel Authority of India Ltd. and Another

RESPONDENT

Date of Decision : 16-05-1995

Acts Referred:

Citation : (1995) 2 BLJR 816

Hon'ble Judges : P.K. Deb, J

Bench : Single Bench

Judgement

P.K. Deb, J.—In this writ petition, the petitioner is praying for providing employment to him by the respondent Nos. 1 and 2 on the ground of being the son of a displaced person, when the agricultural land belonging to the father of the petitioner had been acquired by the respondent-authority and even once he was called for interview and after selection, he had also been put up in medical examination where he was found fit but then also he was not provided employment on this plea or that plea.

2. This petitioner came to this Court earlier in CWJC No. 584 of 1991 (R) and the same was disposed of by a Division Bench by order dated 29.4.1991 permitting the petitioner to withdraw his petition on the basis of the statements made by counsel for the respondents to enable the petitioner to file a fresh detailed representation, which was to be decided on merit by the respondents. Thereafter the petitioner filed fresh representation, but his prayer was rejected on the ground that he could not be able to file/produce the award in L.A. Case No. 12-R(V) of 1983-84, by which the land belonging to the father of the petitioner was acquired by the respondents. After such observation as made in Annexure-4, in the reply to the representation of the petitioner, the award which was wanting was submitted by the petitioner showing that acquisition was made in respect of the 0.2 acre of land vide Khata No. 32, plot No. 32 in the L.A. Case No. 12-R (V) of 1983-84, but still then the respondents-authorities are not coming up to provide employment to the petitioner when he was found to be fit medically and

because of non-providing of employment the petitioner is ageing and he would not be entitled to employment anywhere else, if his case is not favourably considered from the side of the respondents for an employment as an unskilled labour.

3. In the counter-affidavit, it is stated that the petitioner was making hectic attempts for his employment on the basis of acquisition of the lands of the father of the petitioner and other co-sharers. The three attempts made by the petitioner proved futile. As against the award of other L.A. cases, employment have been provided to one of the ward of the persons whose lands have been acquired. The fourth attempt is in respect of employment with respect to the Award in L.A. 12-R (V) 1983-84. According to the respondents, the award was issued on 2.6.1987 and the panel of selected candidates where the petitioner's name was included had already been expired on 29.1.1986 and as such the petitioner is not entitled for any such appointment as by this time whole scheme has been stopped because of the embargo on the new recruitment

4. By filing reply to that counter-affidavit, the petitioner has asserted that several other persons have been appointed even after the expiry of the panel as alleged by the respondents and illustrations have been given by putting names. But again by filing further counter-affidavit, the respondents have denied of making any such appointment towards the post of unskilled labourer as claimed by the petitioner and that the persons whose names were brought by the petitioner in his reply to counter-affidavit were appointed not against the post of unskilled labourer but against substantive post and that too on different other grounds.

5. From the bundle of facts revealed by the petitioner and the counters made on behalf of the respondent, it became clear that the petitioner was making attempt for providing employment since 1985 but his case was not considered favourably by the respondents. It might be that on previous attempts, the petitioner's case was not considered as someone else has award of displaced person had been appointed. But the claim of the petitioner was rejected lastly on the simple ground that the petitioner could not produce the award of L.A. Case No. 12-R (V) of 1983-84. This ground is not tenable, as such informations were available with the respondents themselves and they could have verified the same from their office without asking the petitioner to produce the same. It seems that the petitioner's claim is defeated by the respondents on this flimsy plea without ascertaining the facts from the office itself. For the first time, the respondents are now coming with the plea that the scheme of employment of the award of the displaced persons as unskilled, labour had already been closed as the selection list had expired. But that fact was never elucidated by the respondents in their reply to the representation as contained in Annexure-4. It is only a new plea for the purpose of defeating the claim of the petitioner.

6. I find some force in the claim of the petitioner and as such this writ petition is disposed of with a direction to the respondent Nos. 1 and 2, to the effect that the case of the petitioner should be considered on priority basis when the

recruitment of unskilled labour arises in the different establishment of the respondents as he was found to be fit for appointment by the machinery of the respondents.

7. No order as to costs.