

D. Subbaramaiah Vs. the Chief General Manager (Hr), Apgenco and Others

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Court : Andhra Pradesh

Decided On : Mar-14-2012

Judge : B. Chandra Kumar

Appeal No. : WRIT PETITION No. 6818 OF 2012

Appellant : D. Subbaramaiah

Respondent : The Chief General Manager (Hr), Apgenco and Others

Judgement :

ORAL ORDER:

Aggrieved by the impugned proceedings passed by the 3rd respondent dated 29.11.2011 in Lr.No. CE/OandM/RTPP/DGM(HR)/JAO(A)/Adm/B1/FD/D.No.6042/11, the writ petition is filed for declaring the said proceedings as arbitrary and illegal and for a direction to the respondents to consider the case of the petitioner for suitable employment in terms of G.O.Ms.No.98, Irrigation (Project Wing) Department dated 15.4.1986.

Heard the learned counsel for the petitioner, Sri C. Raghu, learned Standing Counsel for Respondents 1 and 3 and learned Government Pleaser for Revenue for Respondent No.2.

Sri C. Raghu, learned Standing Counsel for Respondents 1 and 3, fairly submitted that the 2nd respondent-District Collector is the competent authority to pass orders

as per G.O.Ms.No.98, Irrigation (Project Wing) Department dated 15.4.1986 and it is also submitted that the Government issued orders for providing employment to the displaced persons or their dependents, for which a committee has been constituted in the G.O.Ms.No.266 dated 19.9.1994 with the Collector as the Chairman of the said committee and that the said committee has to consider the case of the petitioner in terms of G.O.Ms.No.98 dated 15.4.1986.

Be that as it may.

The 3rd respondent herein has passed impugned orders stating that the petitioner did not submit his application seeking employment under Land Loser Quota within one year from the date of displacement in terms of G.O.Ms.No.98 dated 15.4.1986 and that his applications were received from revenue authorities on 4.1.93 and 6.8.93 i.e., after lapse of 2 years from the date of displacement. It is to be seen that the petitioner earlier filed W.P.No.3649 of 1990 and this Court allowed the said writ petition vide its order dated 12.8.1998 and the respondents were directed to consider the claim of the petitioner for appointment for a suitable post in terms of G.O.Ms.No.98 dated 15.4.1986. Aggrieved thereby, the respondents have preferred an appeal in W.A.No.1092 of 2000. However, the said appeal had been dismissed when the learned counsel for respondents i.e., the learned counsel for the appellants in the Writ Appeal made a categorical statement before the Division Bench that the respondents herein, would consider the case of the petitioner herein for employment as a displaced person land oustee on account of his land having been acquired by the government, without treating him as an earning member, solely on account of his having entered into some contracts with the respondents either in the past or which are still subsisting. The appellate court having taken into consideration the statement made by the learned counsel for the respondents had passed the orders.

Having made such a statement, now the respondents particularly the 3rd respondent is not at all justified in observing that the petitioner did not submit his application within one year from the date of displacement. Moreover, this Court in W.P.17979 of 2001 dated 25.11.2010 has passed specific orders directing the respondents to consider the case of the petitioner for appointment basing on his

earlier representation dated 25.10.2000 within a period of three months and pass appropriate orders. When there is a specific direction to consider the case of the petitioner, the 3rd respondent is not justified in taking one plea or the other in rejecting the case of the petitioner. He should have forwarded the application to the Collector instead passing the impugned order.

At this stage, this Court has no option except to go through the dictionary meaning of the word 'consider' by referring to two or three premier dictionaries.

As per the **Chambers Dictionary 10th Edition**, the word '**consider**' means "**look at attentively or carefully; to think or deliberate on; to take into account; to attend to, to regard as, to think, hold the opinion, to reward, think seriously or carefully, to deliberate.**"

As per the **OxfordDictionary Thesaurus and Wordpower Guide, Indian Edition 2007**, the word '**consider**' means "**think carefully about; take into account when making judgment; contemplate; reflect on; examine; review; mull over; ponder; deliberate on.**"

As per **Collins English Dictionary**, the word '**consider**' means '**to think carefully about (a problem or decision); to bear in mind; to have regard for or care about; to discuss (something) in order to make a decision; to look at.**'

Therefore, the dictionary meaning of the word '**consider**' means to consider basing on the material available on record. To consider means to consider sincerely and honestly, which means to make sincere effort to pass an order in the letter and spirit of the directions of this Court. To consider means to make all efforts to fulfil the object of the order of the Court. To consider does not mean to search for a lame excuse. It does not mean to just pass an order and dismiss the claim of the petitioner on flimsy grounds, which were not at all taken in the earlier proceedings by the respondents. Therefore, the respondents by searching some or other technical ground rejected the claim of the petitioner when there is a specific direction by this Court to consider the case of the petitioner. They cannot take a ground which they had already taken in the earlier proceedings and which

has been already considered and rejected by the Court. Rejecting an application or a representation on any one of the above referred grounds amounts to nothing but Contempt of Court and disobeying the orders of the Court.

In the above circumstances, the Writ Petition is allowed setting aside the impugned orders and directing the District Collector-2nd respondent to pass appropriate orders, keeping in view the representation already made before this Court in Writ Appeal and also the earlier orders passed by this Court, within a period of six (6) weeks from the date of receipt of a copy of this order. No order as to costs.

As a sequel, the miscellaneous petitions if any stand closed.

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