

THE HON'BLE MRS JUSTICE SUREPALLI NANDA

W.P. No. 20743 of 2013

ORDER:

Heard learned counsel for the petitioner, learned counsel for respondents.

2. This writ petition is filed to issue a Writ of Mandamus declaring the inaction of Respondents 3 to 7 on the petitioner's representations dt.10.6.2013 and 24.6.2013 are illegal, arbitrary and violation of principles of natural justice and violative of Article 14 & 16 of Constitution of India and consequentially direct all the respondents to take immediate action on the representations made by the petitioner, dated 10.6.2013 and 24.06.2013.

3. **PERUSED THE RECORD.**

4. The main grievance of the Petitioner as per Petitioner's representation dated 10.06.2013 addressed to the General Manager, Yeddumylaram, Medak District, is that one Nakkabudda Narsimhulu, R/o Kysalaram Village i.e. the 8th respondent, fraudulently joined in job in the Ordinance Factory on securing Petitioner's interview letter and cheated

the Petitioner and the Ordinance Factory. The Petitioner also pointed out through the said representation dated 10.06.2013 that the Petitioner is eligible for employment under L.D.P. quota and further that he is physically handicapped and had been suffering a lot both mentally and financially for being denied his lawful entitlement by the 8th Respondent fraudulently.

5. The main grievance of the Petitioner as per Petitioner's representation dated 24.06.2013 addressed to the District Collector, Medak at Sangareddy is that the 8th Respondent fraudulently secured Petitioner's job and indulged in cheating and that even though the then DRO through a clear endorsement on Petitioner's representation dated 10.06.2013 ordered the Ordinance Factory General Manager, Yeddumylaram to enquire into the fraud committed by the 8th Respondent and submit a report within seven days, yet no action had been initiated by the said concerned Authority till as on date. The Petitioner further through the representation dated 24.06.2013 requested the District Collector, Medak at Sangareddy to examine the cheating done by the 8th Respondent and restore Petitioner's job to the Petitioner

w.e.f. 1985, through the Superintendent of Police, Medak at Sangareddy and R.D.O., Sangareddy i.e., 5th and 6th Respondents herein.

6. In the counter affidavit filed by the Respondents

No.1 to 3 at paras 11, 15, 16 it is contended as follows :

"Para 11 : It is submitted that the Petitioner herein had made a representation in Telugu dt. 10.06.2013 through the District Collector, Medak vide their Letter No. H6/81/2013, dt. 10.06.213.

Para 15 : It is submitted that apart from verifying the records available with this factory, the 3rd Respondent factory herein also made correspondence with Civil Authorities of Medak District, A.P. Government to investigate and verify the records pertaining to the claim of the Petitioner Shri K.Narsimhulu, S/o. K. Balraj vide his letter dt. 10.06.2013 (Ex.R8) and the bonafide status of Shri K.Narsimhulu, S/o. Malla Goud, R/o. Kysaram Village working in the 3rd Respondent's factory herein who has been alleged to have cheated and gained appointment in the name of Petitioner herein, vide letter No.15/1000/VLC/Genl/ LDP/KN/2013, dt. 03.08.2013 (Ex.R18) and a copy was endorsed to the Petitioner herein. Further, the Petitioner herein has been informed vide letter of even number dt. 16.09.2013 that Shri K.Narsimulu, S/o. Malla Goud, Sand and Shot Blaster, T.No.40-1/LMS section has been appointed against Patta in Sy.No.150/2 measuring 4.15 acres land of Kysaram Village and not against the Patta Nos.149, 34, 274, 275, 21 land of Yeddumailaram Village as alleged by him (Ex.R19) with a copy to the District Collector, Medak. The District Collector, Medak vide their Lr.No.C3/2907/2013, dt. 23.09.2013 addressed to RDO, Sangareddy and a copy to the 3rd Respondent Factory herein requested to explain the matter if any required by the RDO (Ex.R20). Further, the RDO, Sangareddy vide his letter No.B3/4001/2013, dt. 18.10.2013 requested to prepare the fair counter (Ex.R21). The 3rd Respondent factory herein vide letter dt. 07.11.2013 have informed the RDO, Sangareddy that all the relevant information pertaining to the grievance application/complaint of Shri K.Narsimulu, S/o. Balaraj available at this office has

been made available to the office of District Collector, Sangareddy from time to time (Ex.R22). Hence, the contention that the none of the official acted against his representation is not correct and misleading.

Para 16 : However, pending receipt of information on investigation by the Civil Authorities in the matter, this 3rd Respondent factory herein submitting this reply affidavit with available facts of the case as mentioned above."

7. The Petitioner has filed reply to the counter affidavit filed by the Respondents No.1 to 3 and paras 4 and 5 of the Reply affidavit/Additional Affidavit of the petitioner read as under:

Para 4 : I submit that all the documents, which verified by all the Respondents in all stages the 8th Respondent i.e., managing the Respondents No.2 & 3 and obtained job on ground of fraud only i.e.,

- (i) Ex.R9 (page No.79) shows that Mallaiah's land acquired in Sy.No.150/2 admeasuring extent of Ac.4.15 gts., instead of actual he lost Ac.1.13 gts., in this Sy.No.150/2 (page No.80).*
- (ii) Ex.R13 (page No.85) birth certificate issued by the Gram Pachayat shows as Nakkabudda Narsimhulu, S/o. Malaiah Goud.*
- (iii) Ex.R14 (page No.86) Residential Certificate issued by Tahsildar, Sangareddy dt. 05.03.1983 as N.Narasimhulu, S/o Malla Goud.*
- (iv) Ex.R15 (page No.87) the Identity Certificate issued by medical doctor N.Narasimhulu issued on 22.10.1984.*
- (v) Ex.R16 (page 88-89) Police verification report prior to resume charge shows that "Nakkabudda Narasimhulu". As there is a clause of false information submitted or suppressed in continuing duty will be terminated as the 8th Respondent himself stated as Nakkabudda but not Kallu, he himself not stated as "Kallu".*
- (vi) Ex.R11 (page No.83) it is confliction of LDP record of RDO shows as N.Narasimhulu, but Employment Card*

No.3446/83 indicates as K.Narasimhulu, no father name, which it shows that the Respondent No.8 himself got the K.Narasimhulu contra to all the date of birth record to snatch my employment (the record to be verified when he get employment card defiantly he got only after the call letter issued by R-2 as K.Narasimhulu).

(vii) *Ex.R10 (page No.81-82) dt. 03.07.1985 appointment letter by R-2 & 3 issued on my name as K.Narasimhulu, by adding S/o. Malla Goud after the interview letter issued (page No.46).*

Para 5 : I submit that in this regard I obtained under RTI Act to the Respondent No.3 as per my RTI application dt. 24.06.2013 as whether "Kallu Narasmul" is working in the company of the Respondent, he gave anwwer dt. 05.08.2013 vide No.02/01/RTI/Estt./KN "NO SUCH PERSON BY NAME KALLU NARSIMLU IS EMPLOYED IN THIS FACTORY". But surprising thing is that in Income Tax Department from the company employees of ordinance factory remitting "Narsimulu Kallu with PAN No.BJOPK 7852L", which it shown the Respondent No.2 & 3 being prestigious institution of Union Government shall be transparent.

8. The counter affidavit filed by the 8th Respondent

at para 6 reads as under:

Para 6 : I submit that the Petitioner is originally a resident of Kollur Village of Ramachandrapuram Mandal, Medak District and he is none other than the son of my mother's younger sister namely Lalitha. That the said Narsimulu (Petitioner) was adopted by Balraj who is the maternal uncle of my mother. The said Balraj possessed land at Yeddumailaram Village and my father possessed land at Kysaram Village. The lands in both the villages were acquired by the Govt. That the said Narsimulu has nothing to do with the acquisition of my land at Kysaram Village. But with malafide intention had filed this Writ Petition against me to lower my reputation in the society, relation circle as well as my community.

9. In view of the facts as borne on record, that though the Petitioner's representations are dated 10.06.2013, 24.06.2013, the counter affidavit filed by the Respondents No.1 to 3 in December 2013 does not however indicate the consideration of the said representations by the concerned Authorities and that receipt of information on investigation by the Civil Authorities in the matter was awaited. To the query of the Court to the learned counsel for the petitioner and also the learned counsel for respondent Nos.1 to 3, if any, orders are passed on the petitioner's representations dated 10.06.2013 and 24.06.2013 as on date, the answer is in the negative.

10. This Court taking into consideration, the present circumstances and the averments of the Respondents No.1 to 3 herein in paras 11, 15 and 16 of their counter affidavit and the specific averments of the Petitioner made in para 4 and 5 of the reply affidavit/additional affidavit filed by the Petitioner in reply to the counter affidavit filed by the Respondents No.1 to 3 as extracted above, this Court opines that Respondents 5 and 6 herein are duty bound to examine and consider Petitioner's representations dated 10.06.2013 and

24.06.2013, duly taking into consideration the specific pleas raised by the Petitioner in paras 4 and 5 of his reply affidavit/additional affidavit referred to and extracted above in the interest of the Justice.

11. Therefore, without going into the merits of the case, the Writ Petition is disposed of directing Respondents 5 and 6 to examine and consider Petitioner's representations dated 10.06.2013 and 24.06.2013, in accordance to law, within a period of four weeks from the date of receipt of the copy of the order duly taking into consideration the specific averments of the petitioner made in paras 4 and 5 of the reply affidavit/additional affidavit filed by the petitioner referred to and extracted above, and pass appropriate orders and communicate the same to the Petitioner. There shall be no order as to costs.

Miscellaneous petitions, if any, pending shall stand dismissed.

SUREPALLI NANDA, J

Date: 10.10.2022

Note: L.R. Copy to be marked
b/o
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