

S U P R E M E C O U R T O F I N D I A

RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Civil) No(s).14038/2004  
(From the judgement and order dated 21/04/2003 in WA No. 342/2003  
of The HIGH COURT OF A.P. AT HYDERABAD)

A.P. STATE ELECTRICITY BOARD & ORS.

Petitioner(s)

VERSUS

UDUGALA LINGAIAH & ORS.

R espondent(s)

(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief and office report ) )

WITH SLP(C) NO. 21301-21302 of 2004

(With appln(s) for c/delay in filing SLP and with prayer for  
interim relief and office report)

Date: 06/11/2006 These Petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE B.P. SINGH

HON'BLE MR. JUSTICE TARUN CHATTERJEE

For Petitioner(s)

Mrs. K. Amareswari, Sr. Adv.

Mr. V.S. Raju, Adv.

Mr. Anil Kumar Tandale, Adv.

Mr. M.N. Rao, Sr. Adv.

Ms. Manjeet Kirpal, Adv.

Mr. T.N. Rao, Adv.

For Respondent(s)

Mr. M.N. Rao, Sr. Adv.

Ms. Manjeet Kirpal, Adv.

Mr. T.N. Rao, Adv.

Mrs.D. Bharathi Reddy ,Adv

Mrs. K. Amareswari, Sr. Adv.

Mr. V.S. Raju, Adv.

Mr. Anil Kumar Tandale

UPON hearing counsel the Court made the following

O R D E R

Counsel for the petitioners prays for deleting the name of Respondents No. 68 and 69

from the array of respondents. The prayer is allowed. Names of respondents 68 & 69 be deleted from

the array of parties.

We find that the High Court has directed the consideration of the cases of 17 persons who

claimed to be displaced persons in terms of Section 4 of Act 2 of 1994 passed by the State of Andhra

Pradesh. There is no controversy so far as these 17 persons are concerned, and, therefore, the

Committee constituted pursuant to G.O.M.S. No. 226/1994 dated 19.9.1994 will consider their cases in

accordance with the provisions of Act No. 2 of 1994.

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So far as 47 other persons are concerned, the stand of the A.P.S.E.B. is that they are not

genuine displaced persons, as was found earlier, those persons have filed writ petitions in which they

contended that they also should be considered for appointment on the ground that they are displaced

persons. Counsel appearing for the petitioners in SLP (C) Nos. 21301-21302/2004 submits that

subsequent to the passing of the judgment, an inquiry was made by the Revenue Department, which

found that they were genuine persons. Apparently, therefore, there is a dispute as to whether these 47

persons are genuine displaced persons and were displaced pursuant to execution of the project.

Normally, a committee constituted to select candidates and prepare a selection list is also

empowered to consider the eligibility of the candidates whose cases are considered by the committee.

In the instant case, we find that one of the considerations which may weigh with the committee is

whether the candidate concerned is a displaced person who was displaced pursuant to the execution of

the project. It is not, therefore, necessary for us to express any opinion in the matter since that is a

matter which would be considered by the Selection Committee constituted under the Act. It will be

open to the Board to contend that they are no displaced persons and it will also be open to the

concerned persons to contend that they are displaced persons. The final decision must rest with the

Selection Committee. In the result, we, condone the delay in filing these special leave petitions and

dispose of the same with the aforesaid directions.

(Ajay Kr. Jain)

(Vijay Dhawan)

Court Master

Court Master