

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 15.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.33047/2015

P.Manivenkatesh

...Petitioner

Versus

1. The Chairman
Tamilnadu Electricity Board
NPKKR Maligai, Anna Salai
Chennai 600 002.
2. The Managing Director
The Tamil Nadu Generation &
Distribution Coporation, NPKKR
Maligai, Anna Salai, Chennai 600 002.
3. The Chief Engineer [Personnel]
North Madras thermal Power project
North chennai, chennai 600 057
4. The District collector,
O/o.The Collecorate, Thiruthani Main Road,
Thiruvallore District
Thiruvallore 602 001

...Respondents

Prayer: Writ Petition, filed under Article 226 of the Constitution of India, praying for a writ of Mandamus directing the respondents herein to accord the benefit of rehabilitation of recruitment, to the petitioner in accordance with the scheme for such rehabilitation of 25.01.1990 within such time as stipulated by this Court.

For Petitioner : Mr.K.Krishnamoorthy

For RR 1 to 3 : Mrs.R.Varalakshmi

For R4 : Mr.R.Vijayakumar, AGP

ORDER

By consent, the writ petition is taken up for final disposal.

2 The petitioner claims that his grandfather of the petitioner namely Punniyakotti, is the owner of the land in Vallur Village, Ponneri Taluk, Thiruvallore District in S.No.818/1R and the said land along with other lands were acquired for putting up North Chennai Thermal Power Project/Station and in terms of G.O.Ms.No.656, Labour and Employment Department dated 29.06.1978, the State Public Sector undertakings have to provide employment to atleast one person of the family whose lands have been acquired. Accordingly, the petitioner, after obtaining Legal Heir Certificate, has applied for job on the said ground and the District Revenue Officer, has also submitted his enumeration report on 18.11.2004 to the 3rd respondent herein, wherein the name of the petitioner has found place. However, the request made by the petitioner has not been considered and persons similarly placed, has approached this Court by filing WP.Nos.13789, 13790 and 13791/2011 and this Court, vide order dated 22.09.2011, has passed a positive order and since the said order was not implemented, contempt petition Nos.329 to 331/2011 were filed and this Court has granted one more opportunity to the respondents therein to implement the order and accordingly, the 3rd respondent has given appointment to the writ petitiones therein subject to the verification of the certificates.

3 Learned counsel for the petitioner would submit that the petitioner is similarly placed like that of the petitioners in the above cited writ petitions as well as in the contempt petitions, the respondents 1 to 3 are duty bound to provide the petitioner with employment and prays for appropriate orders.

4 Per contra, Mrs.R.Varalakshmi, learned Standing Counsel who accepts notice on behalf of the respondents 1 to 3 would submit that the petitioner has approached this Court very belatedly and is guilty of delay and laches on account of passage of time and the relevant records may not also be available in the office and prays for dismissal of this writ petition.

5 Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the 4th respondent would submit that the enumeration has already been done as early as on 18.11.2004 and therefore, it is for the respondents 1 to 3 to act on the same.

6 This Court has considered the rival submissions made on either side and also perused the materials placed on record.

7 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances, permits the petitioner to submit a detailed representation by enclosing a copy of this order as well as

the other relevant documents to the respondents 1 to 4 within a period of ten weeks from the date of receipt of a copy of this order and the ***3rd** respondent, on receipt of the same, is directed to consider the same and pass orders on merits and in accordance with law, within a further period of ten weeks thereafter and communicate the decision taken, to the petitioner as well as to the respondents 1 to 3.

8 The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar
Dated : 29.10.2015

***Corrected as per order of
this court dated 03.11.2015
Sd/- Assistant Registrar (CS-II)
Dated : 06.11.2015**

True Copy

Sub Assistant Registrar

AP

To

1. The Chairman
Tamilnadu Electricity Board
NPKKR Maligai, Anna Salai
Chennai 600 002. To be substituted to the
order already despatched
on 02.11.2015
2. The Managing Director
The Tamil Nadu Generation &
Distribution Corporation, NPKKR
Maligai, Anna Salai, Chennai 600 002.
3. The Chief Engineer [Personnel]
North Madras thermal Power project
North chennai, chennai 600 057
4. The District collector,
O/o. The Collectorate, Thiruthani Main Road,
Thiruvallore District Thiruvallore 602 001

+1 cc to Mr.R.Varalakshmi, Advocate (sr.57080)

+1 cc to Government Pleader (sr.57537)

+1 cc to Mr.K.Krishnamoorthy, Advocate (sr.68120)

W.P.No.33047/2015

msm(co)
cp 29/10/2015