

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23/11/2015

C O R AM

THE HONOURABLE Mr.JUSTICE T.S.SIVAGNANAM

W.P.No.14169 of 2009

Uppala Thozhilalar Sangham
rep. By its General Secretary
Mr.M.Ramdass, Athipattu, Vallur Post,
Ponneri Taluk
Tiruvallur District

....Petitioner

Vs

1. The Deputy Salt Commissioner
Office of Deputy Sal Commissioner,
Government of India, Shastri Bhavan,
26, Haddows Road
Shastri Bhavan
Chennai 600 034
2. The Chairman
Tamil Nadu Industrial Development
Corporation Ltd
19 Marshalls Road
Chennai 600 008.
3. The Ennore Port trust
rep. By its Chairman
Madras Port Trust
Rajaji Salai
Chennai 600 001.

...Respondents

Petition filed under Article 226 of the Constitution of India
praying for the issuance of a writ of mandamus to direct the
respondents to provide employment in a time bound manner to 83 workers
of the petitioner Union.

For petitioner ... Mr.P.Rajendran

For respondents ... Mr.Venkatasamy Babu
Senior Panel Counsel for
Central Government
for R.1

Mr.M.Vijayan
for Kinjg & Patridge
for R.2.

O R D E R

With the consent of the learned counsel appearing for the parties, this writ petition is taken up for final disposal.

2. Heard Mr.P.Rajendran learned counsel for the petitioner, Mr.Venkatasamy Babu, learned Senior Panel counsel for the first respondent and Mr.M.Vijayan for M/s.King & Patridge for the second respondent.

3. The petitioner is Uppala Thozhilalar Sangham, represented by its Secretary, has sought for a direction to the second respondent/Tamil Nadu Industrial Development Corporation Limited/TIDCO, to provide employment, in a time bound manner to 83 workers of their Union.

4. The petitioner filed a writ petition before this Court in W.P.No.8006 of 2000, wherein they have sought for issuance of a writ of Certiorarified Mandamus to call for the records relating to the impugned order dated 30/11/1998 to quash the same and to the extent of payment of compensation to the lessees alone at Rs.18,000/- per acre and to direct the second respondent to include the names of the petitioners/workers as well as for payment of compensation apportioning the quantum and rehabilitation.

5. The said writ petition was disposed of by an order dated 26/2/2004 and the operative portion of the direction issued reads as hereunder:-

"In the result, I am inclined to pass the following order:-

(i). The petitioner/Sangam is directed to file a proper representation with the second respondent giving full particulars of each of their members who are alleged to have been working as salt labourers with their lessees. The burden to establish the same is on the workers.

(ii). The second respondent is directed to deal with the said representation, consider the materials to be placed before them in the context of each and every worker and to ascertain correctness or otherwise of the claim of each of them. Each individual worker has to produce proper materials to prove his employment with the lessee, failing which their claims cannot be entertained. They should have been working at the time when the land was actually taken over.

(iii). After identifying genuineness of the claims of the individual workers, TIDCO is directed to take steps to suitable post by interacting with the beneficiaries/Industrial establishments have been assigned with the

land. Such an exercise shall be completed within a period of six months from the date of receipt of the representation from the Sangam or the individual workers."

6. The Tamil Nadu Industrial Development Corporation Limited, being aggrieved by such a direction, preferred an appeal before the Honourable Division Bench in W.A.No.1732 of 2004, the writ appeal was also disposed of, by a judgment dated 13/3/2007, with a slight modification to the order passed in the writ petition, by clarifying the observations/directions issued in the writ petition. The said clarification is to the following effect.

"..... As observed earlier, as and when the lands have been assigned/allotted to the beneficiaries/industrial establishments, TIDCO is to take all efforts for providing employment to displaced persons, if they are otherwise suitable. To this extent, the direction of the learned Single Judge in para 17 of his order dated 26/2/2004 is clarified."

7. Thereafter, the petitioner Union submitted a reply of representations which are enclosed in the typed set of papers and on a perusal of the representation, it is seen that none of the representation is in consonance with the direction issued by the writ Court, as confirmed by the Honourable Division Bench. Therefore, without doing so, the petitioner has rushed to this Court to provide employment for 83 workers. The representation should be made by the individual workers that they were working as salt labourers with their lessees and the writ Court clearly held that the burden is on them to establish the said fact.

8. That apart, each individual workers has to produce proper materials to prove their employment with the lessees. Failing which their claims cannot be entertained and they should have been working at the time when the land was actually taken over.

9. In the light in which if the individual workmen fulfill all these conditions, the question of identifying the genuineness of the claims will be taken up by TIDCO and thereafter, they will be considered for rehabilitation and for giving suitable appointment, subject to eligibility.

10. The Disciplinary Officer, while clarifying the said order passed by the writ Court, further observed that TIDCO was to take all efforts to provide employment for displaced persons, if they are otherwise suitable and that has to be done along with the beneficiaries/industrial establishment.

11. The learned counsel appearing for the second respondent submits that the total extent which was taken over was 1513 acres out of which 581 acres has been given to Ennore Port Trust and the remaining is kept vacant.

12. The learned counsel appearing for the petitioner submits that 154 persons have been given rehabilitation and they would state that 84 persons have been left out.

13. In my view, the relief sought for by the petitioner cannot be granted, as the individual workers are expected to comply with the directions issued in the earlier writ petition referred to supra.

14. Accordingly, this writ petition is disposed of by giving liberty to the individual workers, who are the certified members of the trade Union to submit their representation by strictly complying with the directions issued in the earlier round of litigation. No costs.

mvs.

Sd/-
Assistant Registrar (IV)

/True Copy/

Sub-Assistant Registrar

To

1. The Deputy Salt Commissioner
Government of India
Shastri Bhavan, Numgambakkam,
Chennai 600 034
2. The Chairman
Tamil Nadu Industrial Development Corporation Ltd
19 Marshalls Road
Chennai 600 008.
3. The Chairman
Ennore Port trust
Madras Port Trust
Rajaji Salai
Chennai 600 001.

+1 C.C. To M/S.King & Partridge, Advocate in SR.NO.63409

+1 C.C. To MR.Venkaswamy Babu, Advocate in SR.NO.63669

+1 C.C. To MR.V.P.Rajendran, Advocate in SR.NO.63670

W.P.No.14169 of 2009

SVI (CO)
sd : 14/12/2015