

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.10.2016

CORAM

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.6771 to 6776 of 2014

and

M.P.No.1 of 2016 in W.P.Nos.6771 to 6776 of 2014

1.D.Vani @ Janaki ... Petitioner in W.P.6771/2014
2.A.Ambika ... Petitioner in W.P.6772/2014
3.G.Vasantha ... Petitioner in W.P.6773/2014
4.N.Veeraraghavan ... Petitioner in W.P.6774/2014
5.V.Meenakshi ... Petitioner in W.P.6775/2014
6.K.Ganesan ... Petitioner in W.P.6776/2014

Vs.

- 1.Tamil Nadu Electricity Board,
rep. by its Chairman,
No.144, N.P.K.K.R. Maligai,
Anna Salai,
Chennai-600 002.
- 2.The Tamil Nadu Generation & Distribution Corporation,
rep. by its Managing Director,
N.P.K.K.R, Maligai,
Anna Salai,
Chennai-600 002.
- 3.The Chief Engineer (Personnel),
North Madras Thermal Power Project,
North Chennai,
chennai-57.
- 4.The District Collector,
Officer of the Collectorate,
Thiruthani Main Road,
Thiruvallore District,
Thiruvallore-602 001. ... Respondents in all WPS

Common prayer:- Writ Petitions filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records in connection with proceedings viz., Letter No.022944/109/G64/G642/2013-7, dated 21.02.2013 issued by the 1st respondent and to quash the same and to direct the respondents to accord the employment assistance to the member of the family nominated by the land losers/petitioner, in accordance with B.P.Per(FB).No.3, Administrative Branch, dated 25.01.1990.

For Petitioner : Mr.V.Prakash, Senior Counsel
for M/s.K.Krishnamoorthy

For respondents : Mrs.R.Varalakshmi (For R1 to R3)
Mr.R.Venkatesh, GA (For R4)

ORDER

This writ petition has been filed by the petitioners praying for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings in Letter No.022944/109/G64/G642/2013-7, dated 21.02.2013 issued by the 1st respondent and to quash the same and consequently, to direct the respondents to accord the employment assistance to the member of the family of the petitioners/land losers, in accordance with B.P.Per(FB).No.3, Administrative Branch, dated 25.01.1990.

2.The briefs facts of the case of the petitioners are as follows:-

2-1.The some of the lands in Neithvoyal Village, Ponneri Taluk, originally belonged to the petitioners family. The said lands were the only source of livelihood to the petitioners' family. The said lands were acquired by the Government for the purpose of construction of North Chennai Thermal Power Station and the the families of the petitioners were displaced.

2-2.It is further stated by the petitioners that as per G.O.Ms.No.656, Labour and Employment Department, dated 29.06.1978, each family which is displaced on account of acquisition of land for the establishment of the project should be provided with the employment for one member of each family without reference to the employment exchange. The said Government Order was adopted by the 1st respondent Electricity Board by its Board Proceedings vide B.P.Per(FB) No.3, Administrative Branch, dated 25.01.1990. As per the aforesaid Government Order and the Board Proceedings, the benefits have not been given to the land owners. Even though the lands were acquired as early as in the year 1990, so far no enumeration was done by the 4th respondent and the Electricity Board has not given any employment. Therefore, the fathers of the petitioners had filed a writ petition in W.P.No.6664 of 2006 along with other land losers, for job assistance under the rehabilitation scheme who lost their livelihood due to the acquisition of land by the Government. In the said writ petition, this Court by order dated 07.02.2012 gave direction to the respondents to consider the representations of the petitioners therein in the light of the Board Proceedings vide B.P.Per(FB) No.3, Administrative Branch, dated 25.01.1990, and to pass orders on merits and in accordance with law. But, subsequently, the 1st respondent has passed the impugned order dated 21.02.2013 rejecting the request of the fathers of the petitioners for job assistance. As the

fathers of the petitioners died, the petitioners have come forward with the present writ petitions.

3. I have heard the learned senior counsel appearing for the petitioners, the learned counsel appearing for the Tamil Nadu Electricity Board and the learned Government Pleader appearing for the 4th respondent and perused the materials available on record.

4. It is the submission of the learned senior counsel appearing for the petitioners that while rejecting the request of the petitioners/their fathers for job assistance, by the impugned order dated 21.02.2013, the 1st respondent has not considered the Government Order in G.O.Ms.No.656, Labour and Employment, dated 29.06.1978, as well as the Board Proceedings vide B.P.Per(FB) No.3, Administrative Branch, dated 25.01.1990. As pointed out by the learned senior counsel for the petitioners, in an identical issue in W.P.No.11623 of 1999, dated 18.11.2008, this Court has given a direction to the respondent/Electricity Board to provide for suitable employment to the petitioners therein, as there was no dispute about the identification of the beneficiaries. Even in the present case, there is no dispute about the identification of the beneficiaries. Hence, I am of the opinion, following the order dated 18.11.2008 in W.P.No.11623 of 1999, in the instant case also, a suitable direction could be given to the respondents herein.

5. Accordingly, the impugned order is set aside and the matter is remanded back to the 1st respondent, with a direction to consider the case of the petitioners afresh and to pass appropriate orders, in the light of the G.O.Ms.No.656, Labour and Employment, dated 29.06.1978 as well as the Board Proceedings vide B.P.Per(FB) No.3, Administrative Branch, dated 25.01.1990, with regard to providing suitable employment to the petitioners of a family member of the petitioners in the Electricity Board, within a period of eight weeks from the date of receipt of a copy of this order.

With the above terms, the writ petitions are disposed of. Consequently, connected Miscellaneous Petitions are closed. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

[ssv]

To

1.The Chairman.

Tamil Nadu Electricity Board,
No.144, N.P.K.K.R. Maligai,
Anna Salai,
Chennai-600 002.

2.The Managing Director,

Tamil Nadu Generation & Distribution Corporation,
N.P.K.K.R, Maligai,
Anna Salai,
Chennai-600 002.

3.The Chief Engineer (Personnel),

North Madras Thermal Power Project,
North Chennai, Chennai-57.

4.The District Collector,

Officer of the Collectorate,
Thiruthani Main Road,
Thiruvallore District,
Thiruvallore-602 001.

6 ccs to Mr.K. Krishnamoorthy, Advocate, Sr. 59048 to 59053

W.P.Nos.6771 to 6776 of 2014
and
Connected MPs

SCD (CO)
kk 7/11

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