

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 19.10.2016**

**CORAM**

**THE HONOURABLE MR.JUSTICE R.SUBBIAH**

**W.P.Nos.4017 of 2015**

P.Shanmugam

... Petitioner

Vs.

1.Tamil Nadu Generation and Distribution Corporation,  
rep. by its Chairman-cum-Managing Director,  
NPKKR Maligai, Anna Salai, Chenna-2.

2.The Chief Engineer (Personnel),  
NPKKR Maligai, Anna Salai, Chennai-2.

3.The Chief Engineer,  
North Chennai Thermal Power Station,  
Chennai-120.

... Respondents

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 bearing Ref.

கடித.எண் த.பொ / வ.செ.அ.மிநி/ மே.பா.பொ / க.ப / உ.செ.பொ / இ.நி.பொ / கோ.மனுக்கள் / எண் 900 / 12 நாள் 09.11.2012. issued by the 3rd respondent and to quash the same and further to direct the 1st and 2nd respondents to implement the rehabilitation scheme by providing job to the petitioner's son Mr.Rajesh in the service of the respondents in the regular time scale as helper, award costs.

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

For respondents : Mrs.R.Varalakshmi (For R1 to R3)

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### **ORDER**

This writ petition has been filed by the petitioner praying for issuance of a Writ of Certiorarified Mandamus, calling for the / records in connection with proceedings bearing Ref. கடித.எண் த.பொ/ வ.செ.அ.மி.நி/மே.பா.பொ/க.ப/உ.செ.பொ/இ.நி.பொ/கோ.மனுக்கள்/எண்900 / 12 நாள் 09.11.2012. issued by the 3rd respondent and to quash the same and consequently, to direct the respondents to implement the rehabilitation scheme by providing job to the petitioner's son Mr.Rajesh in the service of the respondents in the regular time scale as helper.

2.It is stated by the petitioner that he is the owner of the land in Survey No.2/1 measuring 1.39 acres at Neithavayal Village, Ponneri Taluk, Thiruvallur District. The said land was the only source of livelihood to the petitioner's family. The said land was acquired by the Government for the purpose of construction of North Chennai Thermal Power Station and the family of the petitioner was rendered jobless and displaced.

3.It is further stated 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 Electricity Board by its Board Proceedings vide B.P.Per(FB) No.3, Administrative Branch, dated 25.01.1990, wherein it was stated that one member in each family from whom lands were acquired be appointed as helper in relaxation of Rules relating to age and other requisites. The petitioner is also one of the land losers covered by the award passed by the Special Tahsildar on 28.02.1992. The petitioner had represented before the District Collector seeking job under rehabilitation scheme to his son. After enumeration, the District Collector forwarded the name of the petitioner's son to be the beneficiary under the rehabilitation scheme to the Board. But, instead of providing job to the petitioner's son, the 3rd respondent issued the impugned proceedings dated 09.11.2012, stating that the the petitioner's son had studied only upto 7th standard and he is not having necessary educational qualification to provide job to him.

Aggrieved over the same, the petitioner has come forward with the present writ petition.

4. I have heard the learned senior counsel appearing for the petitioners, the learned Standing Counsel appearing for the respondents/Electricity Board and perused the materials available on record.

5. It is submitted by the learned senior counsel appearing for the petitioner that the Board Proceedings vide B.P.Per(FB) No.3, Administrative Branch, dated 25.01.1990, has clearly stated that one male member in each family from whom lands have been acquired for construction of North Madras Thermal Power Project be appointed in relaxation of rules relating to educational qualification. The relevant portions in the said Board Proceedings dated 25.01.1990, read as follows\_

"3. In the circumstances explained above, the Board after careful consideration directs that:

i) one male member in each family from whom lands have been acquired for construction of North Madras Thermal Power

Project be appointed as Helper (Trainee) on consolidated wages in relaxation of rules relating to age and educational qualification wherever necessary.

ii) to iv).....

v) In cases where the family does not have a male member or a member not physically fit either due to age or physical infirmities, the family may nominate his/her relative for appointment and such nomination is a one time affair and shall not be revoked or altered when once the said nominee is appointed."

By relying upon the above said portions in the Board Proceedings, the learned Senior counsel for the petitioner submitted that the respondents are duty bound to provide a job/appointment to the petitioner's son under the rehabilitation scheme.

6. I find some force in the submission made by the learned senior counsel for the petitioner. The Board Proceedings dated 25.01.1990, clearly says that relaxation in respect of age and educational qualification should be given to implement the rehabilitation scheme for providing job to a member of the family, from whom the land was acquired under the above said scheme.

When that being the position, the impugned order passed by the 3rd respondent is not legally sustainable and the same is liable to be set aside.

7. Accordingly, the impugned order is set aside and the matter is remanded back to the 3rd respondent, with a direction to consider the case of the petitioner afresh in the light of the Board Proceedings vide B.P.Per(FB) No.3, Administrative Branch, dated 25.01.1990, and to pass appropriate orders with regard to providing job/employment to the petitioner's son, within a period of eight weeks from the date of receipt of a copy of this order.

With the above terms, the writ petition is disposed of.

No costs.

19.10.2016

Index : Yes/No  
Internet : Yes/No  
[ssv]

To

1. The Chairman-cum-Managing Director,  
Tamil Nadu Generation and Distribution Corporation,  
NPKKR Maligai, Anna Salai, Chenna-2.
2. The Chief Engineer (Personnel),  
NPKKR Maligai, Anna Salai, Chennai-2.
3. The Chief Engineer,  
North Chennai Thermal Power Station,  
Chennai-120.

**R.SUBBIAH, J.**

[ssv]

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