

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.16133 to 16136 of 2016

J.Srinivasan	... Petitioner in W.P.16133/2016
J.Venkatesh Kumar	... Petitioner in W.P.16134/2016
E.Munikannaiya	... Petitioner in W.P.16135/2016
V.Haribabu	... Petitioner in W.P.16136/2016

vs.

1. The Chairman,
Railway Board,
Government of India,
New Delhi.
2. The General manager,
Southern Railways,
Headquarters,
Chennai - 600 003.
3. The District Collector,
Vellore District,
Vellore. Respondents in all W.Ps

Prayer in W.P.16133 of 2016 : Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing 3rd respondent to forward the proposal reiterating the eligibility of the petitioner for getting employment based on the award dated 07.08.2010 pertaining to Survey No.84/2A2, 86/1B1 and 86/1C1 at Arakkonam to the 2nd respondent and consequently direct the respondents 1 and 2 to consider the petitioner's representation dated 06.07.2013 requesting for employment as per proceedings No.E (NG)/II/2002/Rc-5/4 dated 19.04.2006 of the 1st respondent assuring employment for member of the displaced family, in any of the post to which the petitioner eligible.

Prayer in W.P.16134 of 2016 : Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing 3rd respondent to forward the proposal reiterating the eligibility of the petitioner for getting employment based on the award dated 07.08.2010 pertaining to Survey No.86/1A at Arakkonam to the 2nd respondent and consequently direct the respondents 1 and 2 to consider the petitioner's representation dated 06.07.2013 requesting for

employment as per proceedings No.E(NG)/II/2002/Rc-5/4 dated 19.04.2006 of the 1st respondent assuring employment for member of the displaced family, in any of the post to which the petitioner eligible.

Prayer in W.P.16135 of 2016 : Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing 3rd respondent to forward the proposal reiterating the eligibility of the petitioner for getting employment based on the award dated 07.08.2010 pertaining to Survey No.84/2A2, 86/1B1 and 86/1C1 at Arakkonam to the 2nd respondent and consequently direct the respondents 1 and 2 to consider the petitioner's representation dated 16.04.2013 requesting for employment as per proceedings No.E(NG)/II/2002/Rc-5/4 dated 19.04.2006 of the 1st respondent assuring employment for member of the displaced family, in any of the post to which the petitioner eligible.

Prayer in W.P.16136 of 2016 : Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus directing 3rd respondent to forward the proposal reiterating the eligibility of the petitioner for getting employment based on the award dated 07.08.2010 pertaining to Survey No.92/7B at Arakkonam to the 2nd respondent and consequently direct the respondents 1 and 2 to consider the petitioner's representation dated 06.07.2013 requesting for employment as per proceedings No.E(NG)/II/2002/Rc-5/4 dated 19.04.2006 of the 1st respondent assuring employment for member of the displaced family, in any of the post to which the petitioner eligible.

(Prayer in all the W.Ps. are amended as per order of this Court dated 12.09.2016).

For Petitioner in all W.Ps : Mr.T.Aananthi

For Respondents in all W.Ps. : Mr.M.Udhaya Kumar,
for R1 & R2
Mr. S.Gunasekaran,
Addl. Gov. Pleader.

WEB COPY COMMON ORDER

By consent, the main writ petitions itself are taken up for final disposal.

2. The petitioners have come up with the present writ petitions for a mandamus directing 3rd respondent to forward the proposal reiterating the eligibility of the petitioners for getting employment based on the award dated 07.08.2010

pertaining to Survey Nos.84/2A2, 86/1B1 and 86/1C1, 86/1A, and 92/7B at Arakkonam to the 2nd respondent and consequently direct the respondents 1 and 2 to consider the petitioners' representation dated 06.07.2013 and 16.04.2013 requesting for employment as per proceedings No.E(NG)/II/2002/Rc-5/4 dated 19.04.2006 of the 1st respondent assuring employment for member of the displaced family, in any of the post to which the petitioners are eligible.

3. It is the case of the petitioners that their land was acquired under Section 4(1) of the land Acquisition for the purpose of laying Railway tracks. Though, on the date of acquisition, the market value of the land was Rs.150/- per square feet, Rs.1.03 per square feet was granted as compensation, but, with a promise of giving an employment opportunity to one of the members of the displaced family, their valuable lands in Survey Nos.84/2A/2, 86/1A, 84/2A2, 86/1B1 AND 86/1C1 were taken for a meagre compensation.

4. As per the proceedings of the first respondent in No.E(NG)/11/2002.RC5/4 dated 19.04.2006, the first respondent assured for providing employment to those whose substantial livelihood has been snapped away in the process of acquisition of land for establishment of Railway projects. That apart, the 3rd respondent, the appropriate authority to acquire land under the Land Acquisition Act 1894, also informed in his memo dated 20.09.2007 that the respondents 1 and 2 might reply as to providing of employment and the 3rd respondent assured in his memo dated 05.03.2010 stating that action would be taken to give certificate for preferential right to get employment.

5. Even in the meeting before passing of award, petitioners made strong demand cum requisition to provide employment to one of the member of the displaced family. As there was no reply, again on 06.07.2013, 16.04.2013, they made representations. But, till date no action was taken for providing employment to the petitioners. Hence, the petitioners have come forward with these petitions.

6. When the matters are taken up, learned counsel for the petitioner submitted that the General Manager for Zonal Railways Production Units addressed a letter to Department, Railway Board to the Collectorate.

7. The learned counsel for the respondents submitted that Railway Board has addressed a letter to the 3rd respondent District Collector seeking for certain particulars with regard to the land acquired from the petitioner as well as with regard to the eligibility of the petitioner for getting employment based on the Award copy dated 07.08.2010.

8. *In view of the submissions made on either side, this Court directs the petitioner to submit a representation to the 2nd Respondent within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the 2nd Respondent is directed to send a reminder to the 3rd respondent seeking necessary particulars to provide employment to the petitioner within a period of two weeks thereafter and on receipt of the same, the 3rd respondent is directed to furnish all the particulars with regard to the land acquired from the petitioner to the 2nd respondent within a period of four weeks to enable the 2nd respondent to pass appropriate orders on the said representation with regard to providing employment to the petitioner.

9. With the above direction, these writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CS VII)

Dated : 24.10.2016

***Amended as per order of this
court dated 15.11.2016 in**

W.P.16133 to 16136 of 2016

Sd/- Assistant Registrar (CS VI)

Dated : 17.11.2016

/true copy/

Sub Asst. Registrar

mrp
To

1. The Chairman,
Railway Board,
Government of India,
New Delhi.

To be substituted to the order

2. The General manager,
Southern Railways,
Headquarters,
Chennai - 600 003.

already despatched on 7.11.2016

3. The District Collector,
Vellore District, Vellore.

3 cc to Mr.T.Aananthi, Advocate, Sr. 55555, 55554, 55553, 55552

3 ccs to Mr.Udayakumar, Advocate, Sr. 66418

1 cc to Mr.M. Udayakumar, Advocate, Sr. 55694 (03/11/2016)

W.P.Nos.16133 to 16136 of 2016

MG (CO)

kk 25/10

CA(17.11.2016)