

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 26.10.2016
CORAM
THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.Nos.17874 to 17880 of 2013
and M.P.Nos.1 to 1, 2 of 2013

M.Ramachandran	... Petitioner in W.P.17874 of 2013
S.Suseela	... Petitioner in W.P.17875 of 2013
N.Kuppan	... Petitioner in W.P.17876 of 2013
B.Kanthammal	... Petitioner in W.P.17877 of 2013
T.Rajendran	... Petitioner in W.P.17878 of 2013
S.Neela	... Petitioner in W.P.17879 of 2013
M.Subramanian	... Petitioner in W.P.17880 of 2013

.Vs.

1. Tamil Nadu Electricity Board,
Represented by its Chairman,
N.P.K.K.R.Maligai,
Anna Salai, Chennai 600 002.
 2. Tamilnadu Generation and 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,
Office of the Collectorate,
Thiruthani Main Road,
Thiruvallore District,
Thiruvallore 602 001.
- ... Respondents in all W.Ps.

Prayer in all W.Ps.: Writ petitions filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus calling for the records in connection with the proceedings viz., letter No.022944/109/G64/G642/2013-7, dated 21.02.2013 issued 1st respondent and quash the same and direct the respondents to accord the employment assistance to the member of the family as nominated by the petitioner in accordance with B.P.Per(PB) No.3 Administrative Branch, dated 25.01.1990.

For petitioner : Mr.v.Prakash Senior Counsel for
Mr.K.Krishnamoorthy

For R1 to R3 : Mrs.R.Varalakshmi,
Standing Counsel

For R4 : Mr.R.Govindasamy
Special Government Pleader

C O M M O N O R D E R

The petitioner seeks for a direction to the respondents 1 to 3 to accord the benefit of rehabilitation of recruitment to the petitioners in accordance with the scheme for such rehabilitation on 25.01.1990.

2. The grievance of the petitioners is that the petitioners' land bearing Survey Nos.9/3, 10/2C, 12/3A in Neithavoyal Village, Ponneri Taluk was acquired by the Government for construction of North Chennai Thermal Power Station, owing to which, the petitioners' family was displaced and rendered jobless.

3. Mr.V.Prakash, learned Senior counsel appearing for the petitioners would submit that by an award dated 28.02.1992, the aforesaid lands of the petitioners were acquired for putting up North Chennai Thermal Power Project and owing to the said acquisition, their families who had hitherto been farming were rendered jobless. According to the learned Senior counsel, the Government had issued G.O.Ms.No.656, Labour and Employment Department dated 29.06.1998 by virtue of the which, all State public sector undertakings have offered to provide employment to atleast one person of the family displaced on account of acquisition of the land. Adopting the said Government Order, the respondent Board by its proceedings in P.B.(M)24 dated 10.01.1980, made the provisions of G.O.Ms.No.656 dated 29.06.1978, applicable for the purpose of providing employment opportunity to one member of the displaced families in their department. When the petitioner had requested for job assistance, the third respondent had passed an order dated 21.02.2013 stating that the petitioners had sought for job assistance for their son and unmarried daughter, who are not entitled for such assistance, in view of the Board proceedings in B.P.No.3 dated 25.01.1990. Aggrieved by the said order, they have filed the present writ petitions.

4. Mr.P.R.Dhilip Kumar, learned counsel appearing for the respondents would submit that the G.O.Ms.No.656, Labour and Employment Department dated 29.06.1978 and the consequential Board Proceedings in B.P.No.3 dated 25.01.1990 enable providing for employment to land losers in the ratio of one person per family, whose lands were acquired, if the land was the only major source of living for their families. It was stated that under the rehabilitation scheme, for the lands acquired from Vayaloor Village, no persons were recommended by the District Collector. The learned counsel would further submit that since the petitioners had sought for job assistance for persons who are not eligible for the same, in view of the scheme as envisaged in G.O.Ms.No.656, Labour and Employment Department, dated 29.06.1978 and subsequent Board proceedings dated 10.01.1980.

5. I have considered the submissions of Mr.V.Prakash, learned Senior counsel appearing for the petitioners; Mrs.R.Varalakshmi, learned Standing counsel appearing for the respondents 1 to 3 and Mr.R.Govindasamy, learned Government Pleader appearing for the fourth respondent.

6. A reading of the Board proceedings would reveal that it has extended job assistance to one member in each of the families being displaced on account of acquisition of the lands by the Board in the lower ash dumping area in North Madras, Thermal Power Project, irrespective of the fact that whether any other member in the displaced family is already employed or not as a special case. In spite of the same, the respondents have found various reasons to delay or refuse to grant such relief to the affected individuals, which cannot be accepted by this Court. The State Government has evolved a scheme for employment of land losers and the same has been adopted by the respondents. While that being so, the respondents cannot now take an indifferent attitude and keep the petitioners anticipating for their employment indefinitely. In identical circumstances, this Court has passed an order dated 18.11.2008 made in W.P.No.11623 of 1999, wherein it has been observed as follows:

"The writ petition was admitted on 07.07.1999. On notice from this Court, the first respondent Tamil Nadu Electricity Board had filed the counter affidavit dated 'nil' (1999). The fact that the lands were acquired from the petitioners were accepted in the counter affidavit and compensation has also been paid. It was agreed that the G.O.Ms.No.656, Labour and Employment Department dated 29.06.1978 and the consequential Board Proceedings in B.P.No.3

dated 25.01.1990 enable providing for employment to land losers in the ratio of one person per family, whose lands were acquired, if the land was the only major source of living for their families. It was stated that under the rehabilitation scheme, for the lands acquired from Vayaloor Village, no persons were recommended by the District Collector. Therefore, the Board was unable to accept the plea made by the petitioners.

5. The stand of the respondents cannot be accepted. The state Government having evolved a scheme for employment for land losers and the same having been adopted by the respondents, they cannot wriggle out from the commitment made. It must also be stated that the fact that the lands have been acquired from the petitioners for the purpose of setting up the North Chennai Thermal Power Station was not denied. Their repeated representations to the respondents have also not been properly considered."

7. The reasoning of the third respondent in the impugned order dated 21.04.2013 cannot be accepted. The scheme as envisaged in G.O.Ms.No.656 dated 29.06.1978, does not define the displaced families who are entitled for job assistance. Like wise, B.P.No.3 dated 25.01.1990, when read as whole, intends to extend job assistance to any one member of the displaced families from whom lands have been acquired for the said project. Though Paragraph -3 (1) of the Board Proceedings dated 25.01.1990 makes one male member of the displaced family eligible for appointment, paragraph 3 (v) extends the benefits to the relative of the family who were displaced. The intention of Board proceedings as well as the Government order is to provide job assistance to any member of the family. The Board proceedings when read as a whole, intends to rehabilitate any dependant of the family. Under such circumstances, the reasoning of the third respondent in rejecting the petitioner's claim cannot be accepted. Accordingly, the impugned order dated 21.02.2013 passed by the third respondent is quashed.

8. Hence, there shall be a direction to the second respondent to provide suitable employment to the petitioners as envisaged in G.O.Ms.No.656 of the Labour and Employment Department dated 29.06.1978 and as per the respondent's proceedings in B.P.Per(FB).No.3, Administrative Branch, dated 25.01.1990 and issue appointment letters to each of the

petitioners herein, within a period of three months from the date of receipt of a copy of this order.

These writ petitions are allowed as indicated above. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

kkd

To

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.K.R.Maligai,
Anna Salai, Chennai 600 002.
2. The Managing Director,
Tamilnadu Generation and 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.
4. The District Collector,
Office of the Collectorate,
Thiruthani Main Road,
Thiruvallore District,
Thiruvallore 602 001.

+7cc's to Mr.K.Krishnamoorthy, Advocate, S.R.Nos.61419, 61420,
61422, 61424 to 61427

W.P.Nos.17874 to 17880 of 2013
and

M.P.Nos.1 to 1, 2 of 2013

SV(CO)
CA(25/11/2016)