

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.10.2016

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

Writ Petition No.31620 of 2016

P.Kandasamy

... Petitioner

vs.

1. The State of Tamil Nadu
rep. by its Principal Secretary to Government,
Energy Department, Fort St. George,
Chennai-600 009.
2. The Chairman,
Tamil Nadu Electricity Board/TANGEDCO,
No.800, Anna Salai,
Chennai-2.
3. The Chief Engineer (Personal),
Tamil Nadu Electricity Board/TANGEDCO,
No.800, Anna Salai,
Chennai-2.
4. The Superintending Engineer Civil,
Lower Mettur Hydro Electricity Project,
Tamil Nadu Electricity Board,
No.955, EVN Road, Erode-9.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the 4th respondent herein vide No.0603/120/Ne.Pi.1/Oo.2/Ko.Vea.Va/2016, dated 08.02.2016 and quash the same and consequently, direct the respondents to

provide employment to petitioner's son viz. K.Karthi as per the rehabilitation scheme formulated by the respondents under the land acquisition category on par with similarly placed persons and as per the order of this Court made in W.P.No.22326 of 2013 by order dated 12.08.2015 and in compliance of the order made by the 3rd respondent dated 18.06.2016.

For Petitioner : Mr.M.R.Jothimanian
For 1st Respondent : Mr.S.Gunasekaran,
Addl.Govt.Pleader
For respondents : Mr.P.R.Dhilip KUMar
2 to 4

ORDER

The Writ Petition has been filed impugned order passed by the 4th respondent herein vide No.0603/120/Ne.Pi.1/Oo.2/Ko.Vea.Va/2016, dated 08.02.2016 and quash the same and consequently, direct the respondents to provide employment to petitioner's son viz. K.Karthi as per the rehabilitation scheme formulated by the respondents under the land acquisition category on par with similarly placed persons and as per the order of this Court made in W.P.No.22326 of 2013 by order dated 12.08.2015 and in compliance of the order made by the 3rd respondent dated 18.06.2016.

2. The case of the petitioner is as follows:

(a) The petitioner was the owner of the land in S.No.97/3E situated at Kolnaickenpatti Village, Mettur Taluk, Salem District to an extent of 0.010 hectares. While so, the Assistant Collector, Land Acquisition, Mettur, issued notice on 08.11.1983 under the Land Acquisition Act for the Lower Mettur Hydro Electricity Project and the same was acquired by the respondents for the purpose of Lower Mettur Hydro Electric Project, Bhavani.

(b) The further case of the petitioner is that while acquiring the land of the petitioner, the respondents gave assurance to him and other land owners to provide compensation, employment to the land owners or their legal heirs and a scheme was formulated by the respondents. The compensation amount so awarded is very meagre in comparing the market value of the land.

(c) While so, the petitioner made an application to the Tamil Nadu Electricity Board for providing employment to him as per the Rehabilitation Scheme and the same was also recommended by the Revenue Authorities. But, there was no reply from the respondents. However, on 20.10.1999, the 4th respondent had issued an interview

letter to the petitioner to appear for interview on 05.11.1999 for the employment in the Electricity Board. But, though the petitioner has attended the interview, there was no reply from the respondents till date. Though the petitioner made several requests to the respondents, the reply given by the respondents is that that Government has taken a policy decision that the employment to the land losers category stopped and therefore, his request could not be considered. But the request of 21 other land owners have been considered and they were provided with employment.

(d) It is also the case of the petitioner that similarly placed persons have approached this Court in W.P.No.22326 of 2013 to W.P.No.22330 of 2013 and the same was disposed by this Court by a Common Order dated 12.08.2015 and as per the direction of this Court, they have been provided with employment. But the claim of the petitioner was rejected by the 4th respondent vide No.0603/120/Ne.Pi.1/Oo.2/Ko.Vea.Va/2016, dated 08.02.2016. Hence, to quash the said order and for consequential reliefs, the petitioner is before this Court with this Writ Petition.

3. Heard the learned Counsel for the petitioner and the learned Additional Government Pleader for the 1st respondent and Mr.P.R.Dhilip Kumar for the respondents 2 to 4.

4. In this Writ Petition by citing the Common Order of this Court in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.08.2015 by which similarly placed persons such as the petitioner have been provided with employment, the learned Counsel for the petitioner would submit that the same treatment has to be given to this petitioner also by providing a job to his son K.Karthi as per the rehabilitation scheme formulated by the respondents under the land acquisition category.

5. Considering the submission of the learned Counsel for the petitioner and also considering the Common Order of this Court made in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.08.2015, by which the similarly placed persons also provided with employment under the rehabilitation scheme formulated by the respondents under the land acquisition category, this Court is of the view that the impugned order of the 4th respondent has to be quashed and the petitioner or any one of his family members is also entitled for

employment.

6. Accordingly, the impugned order of the 4th respondent stands quashed and this Court directs the petitioner to give a fresh representation to the respondents along with a copy of this Order within a period of two weeks from the date of receipt of a copy of this Order and on receipt of the same, the respondents are directed to consider the claim of the petitioner afresh on merits and in accordance with law and also in the light of the order of this Court made in W.P.No.22326 of 2013 to W.P.No.22330 of 2013, dated 12.08.2015, within a period of four weeks thereafter.

7. With the above observation, the Writ Petition is allowed.
No costs.

03.10.2016

Index:Yes/No
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To

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