

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition Nos.34637 and 34638 of 2016

V.Purushothaman ... Petitioner in W.P.34637/2016

R.Prabhakaran ... Petitioner in W.P.34638/2016

Vs.

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.K.R. Maligai,
Anna Salai Chennai 2.
 2. The Managing Director
Tamil Nadu Generation and Distribution
Corporation N.P.K.K.R.Maligai
Anna Salai Chennai 2
 3. The District Collector
Thiruvallore District
Thiruvallur
- ... Respondents in both the
Writ Petitions

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents herein to accord the benefit of rehabilitation of recruitment to the petitioners in accordance with the scheme issued under B.P. (Per) (FB) No.3 dated 25.1.1990 on the basis of G.O. (Ms) 656 dated 29.6.1978 with in such time as stipulated by this Court.

For Petitioner : Mr.K.Krishnamoorthy,
in both the Writ Petitions

For Respondents : Mr.P.R.Dhilip Kumar,
in both the Writ Petitions

COMMON ORDER

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

2. The petitioners have come up with the present writ petitions for a mandamus, directing the respondents herein to accord the benefit of rehabilitation of recruitment to them in accordance with the scheme issued under B.P. (Per) (FB) No.3 dated 25.1.1990 on the basis of G.O. (Ms) 656 dated 29.6.1978 with in such time as stipulated by this Court.

3. The lands belonging to the petitioners in different survey numbers in Ponneri Taluk and Thiruvallur District Village were acquired for the purpose of putting up the North Chennai Thermal Power Project. The Electricity Board issued proceedings in B.P.(Per)(FB) No.3 dated 25.01.1990, by which one male member in each family from whom lands were acquired for construction of North Chennai Thermal Power Project be appointed as helper in relaxation of Rules. In case, the family does not have a male member or a member not physically fit, the family was allowed to nominate a relative for such appointment. But, as per the said Government Order, the petitioners have not been given the benefits. Hence, the petitioners have filed the present writ petition for the relief as stated supra.

4. I have heard the learned counsel appearing for the petitioners as well as the learned Standing Counsel appearing for the respondents and perused the materials available on record.

5. The learned counsel appearing for the petitioners placed much reliance on the judgment delivered by this Court in W.P.Nos.13789 to 13791 of 2011 dated 22.09.2011 and submitted that in an identical issue this Court has given a direction to the District Collector to finalise the enumeration work within a time frame and also directed the respondent-Board to act upon the list of beneficiaries to be provided by the District Collector. Therefore, following the said order, similar order could be passed in these writ petitions also.

6. Learned Standing Counsel appearing for the Electricity Board submitted that the enumeration list has been forwarded to the Electricity Board.

7. Considering the submissions made on either side, this Court is constrained to pass the following order:-

The petitioners are directed to approach the District Collector, Thiruvallur, the third respondent herein, with relevant records to identify them so as to get benefits under the Scheme, within four weeks from the date of receipt of a copy of this order. The District Collector, Thiruvallur, the third respondent herein, is directed to consider the claim of the petitioners and to forward his report as to whether the petitioners herein are beneficiaries under the said scheme or not, to the first respondent-Board within a period of 8 weeks thereafter. The first respondent-Board is directed to act upon the report to be provided by the District Collector, as per the Board Proceedings B.P.Per(FB).No.3 Administrative Branch dated 25.01.1990 thereafter.

8. With the above direction, both the writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

sbi

To

1. The Chairman,
Tamil Nadu Electricity Board,
N.P.K.K.R. Maligai,
Anna Salai Chennai 2.
2. The Managing Director
Tamil Nadu Generation and Distribution
Corporation N.P.K.K.R.Maligai
Anna Salai Chennai 2
3. The District Collector
Thiruvallur District
Thiruvallur

+2cc's to Mr.K.Krishnamoorthy, Advocate, S.R.Nos.56633 & 56634

+1cc to Mr.R.Varalakshmi, Advocate, S.R.No.56556

+1cc to the Government Pleader, S.R.No.57107

W.P.Nos.34637 and 34638 of 2016

KSJ(CO)

CA(18/10/2016)