

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.12.2017

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THE HONOURABLE Mr.JUSTICE T.RAJA

W.P.No.16269 of 2015

and M.P.No.1 of 2015

S.M.Palani

... Petitioner

Vs

1.The Commanding Officer,
INS Rajali,
Naval Air Base,
Camp Post,
Arakonam-631 006.

2.The President,
Board constituted for selection of
candidates of land losers,
INS Rajali,
Naval Air Base,
Camp Post,
Arakonam-631 006.

3.The District Collector,
O/o.The District Collector,
Vellore North Arcot Ambedkar District,
Vellore.

4.The Tahsildar, Unit-V,
Land Acquisition,
Naval Air Station,
Ranipet, Vellore District.

... Respondents

Writ Petition filed under Article 226 of The Constitution of India seeking for issuance of Writ of Mandamus to direct the respondents to give employment to petitioner as per the selection made in 270/7C/03 dated 20.10.2014 by the 1st respondent for the post of Civilian Motor Driver.

For Petitioner : Dr.Fr.A.Xavier Arul Raj
for Mr.K.V.Ananthakrushnan

For R1 and R2 : Mr.D.Simon,
Central Govt. Standing Counsel

For R3 and R4 : Mr.V.Jayaprakash Narayanan
Spl. Govt. Pleader

O R D E R

This Writ Petition has been filed seeking Writ of Mandamus directing the respondents to give employment to the petitioner Mr.S.M.Palani as per the selection made in 270/7C/03 dated 20.10.2014 by the Commanding Officer, INS Rajali, Arakkonam.

2.Heard the learned counsel appearing for both sides and perused the materials available on record.

3.The case of the petitioner is that the petitioner's grandmother Kamalammal was the owner of huge extent of land under survey No.29/4, 34/5 and 34/7. Large extent of lands approximately 1000 acres in and around Arakonam were acquired by the State Government for Naval Air Station vide G.O.Ms.No.1244 Revenue M1 department dated 13.08.1987 and provision made for employment with the first respondent for at least one person from the displaced family of land losers. Under the said Government Order, Kamalammal's land was acquired by the first respondent. After acquisition, the Tahsildar prepared a list of eligible candidates for employment for land losers family. When the acquisition took place in the year 1988, the Tahsildar prepared a list of eligible candidates only in the year 1992. After a long break in the year 2012, on due verification and identification, the District Collector in RCD1/33984/96 dated 23.06.2006 prepared a revised list of 334 persons as eligible for employment from land losers family and finally, out of the said list, 60 persons joined in the service. Once again, another modified list was prepared by the District Collector in RCD1/33984/96 dated 29.03.2012 consisting of 274 persons as eligible for employment and the same was shortlisted during 2013, as 159 persons who were qualified above x standard and 115 persons who were qualified below x standard and thereafter, eligible persons were issued with appointment order in Group-C and Group-D categories. The Revenue Divisional Officer, Ranipet, Vellore District issued Land Looser Certificate on 28.06.2013 in the name of Kamalammal and the petitioner, in respect of patta No.459 bearing survey Nos.29/4, 34/5 and 34/7. Based on the said certificate, the name of the petitioner was considered and provisional order of appointment was sent to the petitioner on 20.10.2014. In the said letter, the petitioner was instructed to report to INS Rajali, Arakkonam at 9.00hrs on 05.11.2014 along with certificates mentioned therein and the petitioner also appeared on the said date and submitted all documents as instructed. The petitioner addressed a letter to the first respondent on 28.11.2014 stating that except him, the persons selected along with him were given appointment order. On enquiry, the first respondent informed the petitioner that for the lands acquired from Kamalammal, one Jayachandran, claiming to be the nephew of Kamalammal was appointed as USL in 1993 and therefore, the request of the petitioner is not feasible. Subsequently, the said Jayachandran had left the service and therefore, the petitioner is now entitled to get employment under land looser certificate.

4.Learned Senior Counsel appearing for the petitioner submitted that the petitioner is entitled to get the benefit of employment under Land Looser Certificate issued by the Revenue Divisional Officer, Ranipet, Vellore District as grand son of Kamalammal, whose lands were acquired for establishment of INS Rajali, Arakkonam.

5.A detailed counter affidavit has been filed on the side of the respondents, for which, a detailed reply affidavit has also been filed by the petitioner.

6.In the counter affidavit filed by the first respondent, it is contended that the District Collector, Vellore/third respondent herein has also prepared a list of land displaced candidates on three occasions, i.e., in 1992, 1997 and in 2013-2014 for consideration of employment opportunity on account of acquisition of land for NAS, Arakkonam project and as on date, 263 land displaced families were offered with employment in the project.

7.Learned counsel appearing for the respondents submitted that in March 1992, the third respondent prepared a list containing 540 persons which is called first list, showing land displaced candidates for consideration of employment in the project. Out of the said 540 persons, 177 persons were finally shortlisted for providing employment based on merit for the particular post for which they applied. In the said list, the name of the petitioner did not appear. As per the order of this Court, dated 14.03.1997, passed in W.P.No.7787 and 4398 of 1996, the District Collector/third respondent herein submitted a second list containing 329 persons for providing employment in the project. Again out of these 329 persons, only 39 persons were selected for providing employment opportunity based on merit for the particular post for which they applied. In the second list also, the name of the petitioner was not found. However, during the proceedings held in Contempt Petition No.1042 and 2305 of 2014, the District Collector/third respondent submitted a list of 274 persons, which is called third list for providing employment in the same project. Out of 274 persons, 27 persons were provided with employment opportunity on merits for the particular post for which they applied. Only in the said list, the petitioner's name was found. But the petitioner's name was rejected in the final selection, on the ground that the nephew of the land owner Kamalammal, namely, R.Jayachandran was already offered employment in the year 1993. Therefore, the petitioner's claim that he is the grandson of Kamalammal, who is the land owner, cannot be accepted. In view of the fact that the first respondent has already provided employment by appointing one R.Jayachandran on the ground that he is the nephew of Kamalammal, learned counsel appearing for the respondents contended that the claim made by the petitioner cannot be considered and sought to dismiss this writ petition.

8.I find full force in the submission that the said Jayachandran claimed to be the nephew of Kamalammal has got employment on the ground of land losers category as a legal heir of Kamalammal and he was also removed from service by an order dated 31.01.2008. A perusal of the said order shows that the said Jayachandran, appointed as USL in the Air Department, INS Rajali, Arakkonam remain unauthorised absent from duty w.e.f.26.05.2005 to 20.09.2005 [118 days] without prior approval of the leave sanctioning authority. Therefore, when the said Jayachandran was already provided employment under the land losers category, accepting his case that he was the nephew of Kamalammal, the petitioner cannot come before this Court without challenging the said appointment order. Consequently, at no point of time, during the period when the said Jayachandran was employed as USL, the petitioner has filed any criminal complaint saying that the said Jayachandran has forged and got employment snatching away his right. Therefore, for the aforesaid reason that the first respondent has already provided employment for one person, namely, Jayachandran as the legal heir of Kamalammal, this Court is unable to find any merit in the writ petition and the same deserves to be dismissed.

Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1.The Commanding Officer,
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Camp Post, Arakonam-631 006.

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Board constituted for selection of candidates of land losers,
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Land Acquisition,
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Ranipet, Vellore District.

+1 CC to Mr.D.Simon, Advocate Sr.No.90108

+1 CC to Mr.K.V.Ananthakrushnan, Advocate Sr.No.89592

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VS (30/01/2018)



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