

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.07.2017

CORAM

THE HONOURABLE MR. JUSTICE V.PARTHIBAN

W.P.Nos.16971 and 16972 of 2010
and
M.P.Nos.1 and 1 of 2010

S.Devaraj .. Petitioner in
W.P.No.16971 of 2010

S.Ramalingam ... Petitioner in
W.P.No.16972 of 2010

Vs.

1.The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
144, Anna Salai, Chennai - 2.

2.The Superintending Engineer,
Civil Hydro Project,
Tamil Nadu Electricity Board,
Uratchikottai,
Bhavani - 638 301.

.. Respondents in
both the W.Ps

Petitions filed under Article 226 of The Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned orders of the second respondent dated 11.05.2009 and 04.06.2009 in P.R.Nos.90/2009 and 90-1/2009 and quash the same and consequently directing the second respondent to provide job opportunity to the petitioners under land acquisition quota.

For Petitioner .. Mr.R.Marudhachalamurthy
in both the W.Ps

For Respondents.. Mr.P.R.Dhilip Kumar
in both the W.Ps

COMMON ORDER

Both writ petitions raise common grounds and issues and therefore, the same are dealt with together and disposed of by way of this common order.

2.The petitioners' lands were acquired by the second respondent on the basis of negotiation in the year 2002. According to the petitioners, the lands acquired were agricultural lands and they were the only source of livelihood of families of the petitioners. According to them, at the time of acquisition of the lands, the petitioners were given assurance by the Tamil Nadu Electricity Board that under the Rehabilitation Scheme for the Land Losers, appointment on compassionate ground would be considered for anyone of the family members who are eligible for such appointment. In the above said circumstances, the petitioners had agreed to give away their lands and thereafter, the Board had taken possession of the same for executing their project.

3.Subsequently, after acquisition, when applications were made for appointment under Rehabilitation Scheme on the basis of the displaced land owners, the same were rejected vide proceedings of the Board dated 11.05.2009 and 04.06.2009 on the ground that only the applications of those persons, whose names are sponsored by the employment exchange, would be considered in future. According to the proceedings, the representations seeking appointment cannot be considered and therefore, they were rejected. As against the said proceedings, the present writ petitions have been filed.

4.Learned counsel appearing for the petitioners would submit that when several similar claims came up for consideration before this Court, this Court has passed series of orders in respect of various land losers directing the Electricity Board to consider for grant of appointment to anyone of the eligible family members of the land losers. This direction came to be issued inspite of the objections by the Board that it had stopped the practice of considering appointment of the members of the families of land losers in the Board. The learned counsel circulated a copy of the order passed by this Court on 03.10.2016 in W.P.No.31620 of 2016 (P.Kandasamy Vs. State of Tamil Nadu and others), in which a similar claim, which was originally rejected by the Board, was considered and this Court has quashed the rejection order and held that the petitioner or anyone of his family members was entitled for employment. This order was passed on the basis of several other earlier orders passed by this Court on the same subject matter.

5.Upon notice, Mr.P.R.Dhilip Kumar, learned counsel entered appearance on behalf of the respondents and would resist the claim of the petitioners stating that the Board had already discontinued the practice of offering employment to the displaced land owners and as such, there was no scheme available as on date, on the basis of which, the claims of the petitioners could be considered favourably.

6.Upon consideration of the rival submissions of the counsels, this Court is of the view that earlier several directions have been issued by this Court in respect of similar claims in favour of the displaced land users and the said directions have also been complied with and several appointments have also taken place on the basis of the Rehabilitation Scheme. Therefore, denying such benefit to these petitioners would amount to discrimination and their cases cannot be treated differently. In such view of the matter, this Court is of the view that the impugned orders, rejecting the claims of the petitioners, are liable to be interfered with.

7.Therefore, the impugned orders dated 11.05.2009 and 04.06.2009 stand quashed. The respondents are directed to offer employment to the petitioners or anyone of the eligible family members of the petitioners against suitable posts in the Board within a period of three months from the date of receipt of a copy of this order.

8. The writ petitions stand disposed of on the above terms. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Asst.Registrar (CS CO)

/true copy/

Sub Asst. Registrar

To

- 1.The Chairman,
Tamil Nadu Electricity Board,
N.P.K.R.R.Maligai,
144, Anna Salai, Chennai - 2.

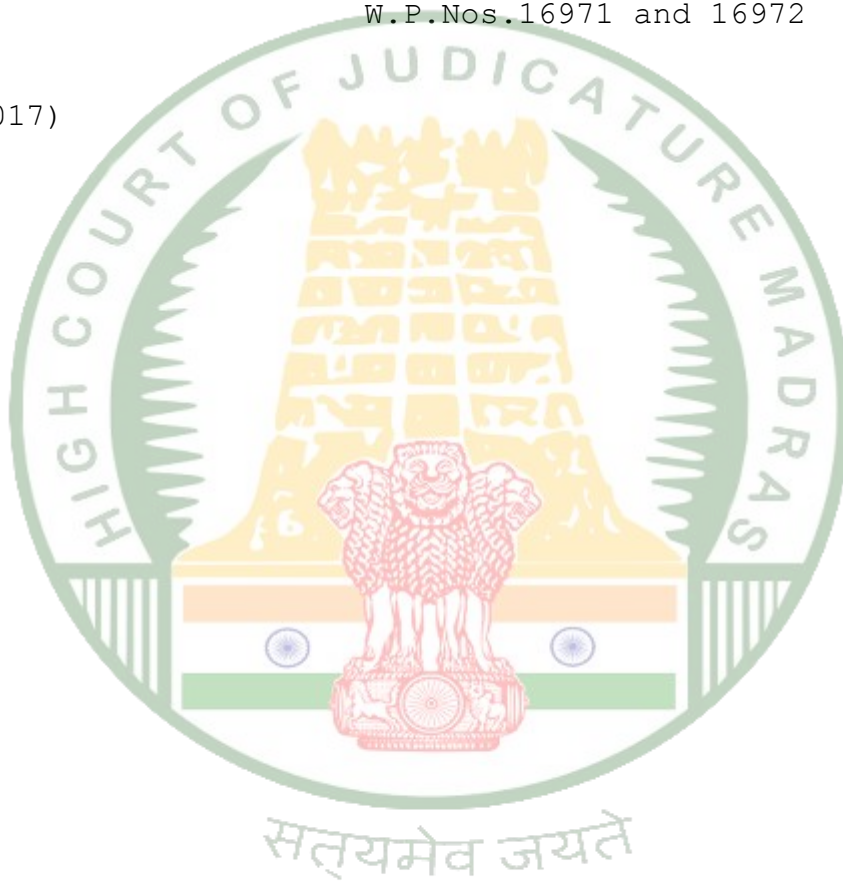
2.The Superintending Engineer,
Civil Hydro Project,
Tamil Nadu Electricity Board,
Uratchikottai,
Bhavani - 638 301.

+1cc to Mr.P.R.Dhilipkumar, Advocate sr.50920

+1cc to Mr.M.Guruprasad, Advocate sr.51322

W.P.Nos.16971 and 16972 of 2010

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ss(21/8/2017)



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