

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03-12-2018

CORAM

THE HON'BLE Mr. JUSTICE S.M.SUBRAMANIAM

W.P.No.30117 of 2004

Vellaiya Gounder

...Petitioner

Vs

1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-600 002.

2.The District Collector,
Salem District,
Salem.

3.The Superintending Engineer/Civil
Mettur Thermal Power Project
Mettur Dam,
Salem District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records of the third respondent in his Letter No.Lr.No.SE/ C/MTPS/ LA/MTPP/F.S.No.436/1, 437/2, 438/2/D.88 dated 24.2.2004 and quash the same and consequently, direct the respondents herein to give employment assistant to the petitioner in Mettur Thermal Power Project on in Tamil Nadu Electricity Board.

For Petitioner : Mr.Prabhakaran for
Mr.S.Doraisamy.

For Respondents : M/s.G.Anand Gopalan and
Devi Rudra M for M/s.T.S.Gopalan & Co.

O R D E R

The order of rejection datted 24.2.2004, rejecting the claim of the writ petitioner for providing employment assistance under the affected landowners category is under challenge in the present writ petition.

2. The learned counsel, appearing on behalf of the writ petitioner, vehemently contended that the writ petitioner is entitled for job assistance on account of the fact that they are the land losers on account of the acquisition proceedings initiated by the State. The family of the writ petitioner was the owner of the land in the total extent of land of 2.40 acres comprised in Survey No.437/2A and also the owner of the land in the total extent of 4.85 acres comprised in Survey No.438/2, situated in P.N.Patty Village, Mettur Taluk, Salem District. On account of the policy decision of the State to commission Thermal Power Project, the Special Tahsildar, Land Acquisition, Mettur Thermal Power Project acquired the land belongs to the writ petitioner.

3. It is contended that there was an assurance on the part of the respondents to provide job assistance to the affected land owners in lieu of the acquisition of land for Mettur Thermal power Project Work. However, the said benefit has not been extended to the writ petitioner. Thus, the writ petitioner is constrained to move the present writ petition.

4. The claim raised in this regard had been rejected and the learned counsel for the writ petitioner states that the order of rejection is untenable in view of the fact that the civil dispute pending between the parties in respect of the title of the land, which was acquired was concluded belatedly. On account of the delay in settling the civil dispute, the writ petitioner was not in a position to submit an application within the time limit provided, seeking job assistance. Thus, there is no fault on the part of the writ petitioner.

5. The learned counsel appearing on behalf of the respondents, disputed the contentions raised on behalf of the writ petitioner, by stating that the writ petitioner is not eligible to get the job assistance as per his claim in view of the fact that no application was submitted within the time limit prescribed i.e., 18.12.1982.

6. Admittedly, the writ petitioner had submitted an application, seeking employment belatedly. Thus, the order of rejection is in accord with the terms and conditions of the agreement and there is no infirmity as such.

7. The learned counsel, appearing on behalf of the respondents, further contended that as per the conditions stipulated in G.O.Ms.No.656, the persons, who are submitting an application, seeking employment must establish that they are in a need of employment and further they are bound to establish their indigent circumstances, enabling the respondents to

consider the case for providing employment. In other words, establishing the penurious circumstance is also a pre-condition for seeking job assistance from the respondents. In view of the fact that the writ petitioner had not established the penurious circumstance arising on account of the land acquisition, the respondents had rejected the claim of the writ petitioner for providing employment in the Electricity Board.

8. This Court is of an opinion that the land was acquired long back during the year 1982. As per the Board proceedings and as per the existing Government Orders, the persons affected on account of land acquisition had to submit an application, seeking job assistance on or before 18.12.1982. Admittedly, the writ petitioner had not submitted any application before the cut off date prescribed for the purpose of submitting an application. This apart, the writ petitioner had not established the penurious circumstances, enabling the respondent-Electricity Board to consider the case of the writ petitioner.

9. This being the factum of the case, the writ petitioner had not established any acceptable grounds for the purpose of considering the relief, as such, sought for in the present writ petition. Further, even at the time of filing of the present writ petition, the writ petitioner was aged about 49 years and he would be around 63 years of age as of now.

10. Thus, the case of the writ petitioner cannot be considered for providing employment in the Electricity Board as he became ineligible for such public employment.

11. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CO)

//True copy//

Sub Assistant Registrar

Svn

To

1.The Chairman,
Tamil Nadu Electricity Board,
800, Anna Salai,
Chennai-600 002.

2.The District Collector,
Salem District,
Salem.

3.The Superintending Engineer/Civil
Mettur Thermal Power Project
Mettur Dam,
Salem District.

+1cc to Mr.T.S.Gopalan and Co, Advocate SR.No.82850

+1cc to Mr.S.Doraisamy, Advocate SR.No.82820

WP No.30117 of 2004

RR(CO)

GMV (28/12/2018)



WEB COPY