

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :20.06.2018

CORAM

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

W.P.No.14367 of 2015
and M.P.No.1 of 2015

C.Babu

..Petitioner

vs

1.The Director,
Project Management Authority,
NAS Project, Arakkonam,
Vellore District.

2.The Commander Works Engineer,
INS Rajali, Naval Air Station,
Camp Post Arokkonam - 631 006.

3.The Collector,
Vellore District.

4.The Revenue Divisional Officer,
Ranipet, Vellore District.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus to direct the respondents to provide suitable employment in Naval Air Station, Rajali, located at Arokkonam, under land loser category.

For Petitioner : No Appearance

For RR 1 & 2 : Mr.G.Karthikeyan

Assistant Solicitor General of India

For RR 3 & 4 : M/s.Sri Jayanthi

Special Government Pleader

O R D E R

The relief sought for in this writ petition is for a direction to direct the respondents to provide suitable employment in Naval Air Station, Rajali located at Arakkonam under land loser category.

2. The grievance of the writ petitioner is that the land belongs to the father of the writ petitioner had been acquired by the Government of India for the purpose of expanding the Naval Air Station at Arakkonam.

3. The learned Assistant Solicitor General of India appearing on behalf of the Union of India made a submission that the Union Government has not given any such promise for public employment or Government Order to that effect has not been issued in this regard. The land losers are already paid adequate compensation in accordance with the Land Acquisition Laws and there is no such promise or otherwise for providing public employment to such land losers. In the absence of any such priority by way of Policy by the Government of India, no such appointments can be granted to the writ petitioner through this writ petition.

4. The appointments can never be claimed as a matter of legal right and all appointments are to be made only by following the recruitment rules in force. Certain special concessions can be granted only on exceptional circumstances. However, such special concessions or special schemes cannot be implemented in large extent so as to affect the equality clause enunciated in the Constitution of India. Equal opportunity in public employment cannot be denied to all the eligible citizens of this great nation.

5. This being the constitutional prospectives and principles, this Court is of an opinion that special schemes for appointments are certainly to be restricted by the Union as well as the State and all appointments are to be provided only under the constitutional schemes and by following the recruitment rules in force. However, such appointments are made based on the merits and by following the rules of reservation. The Union or State can provide an efficient public administration only if the appointments are made on merits. Authorities competent cannot dilute the procedures contemplated under the rules in force.

6. Thus, the writ petitioner only by filing the present writ petition cannot secure public employment. In respect of the acquisition of the land belongs to his father compensation had been paid and the Government of India had not promised nor issued any Government Orders to this effect. Thus, the petitioner has not established even a semblance of right so as to consider the relief as such sought for in this writ petition.

7. Accordingly, the writ petition is devoid of merits and stands dismissed. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

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To

1.The Director,
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NAS Project, Arakkonam,
Vellore District.

2.The Commander Works Engineer,
INS Rajali, Naval Air Station,
Camp Post Arokkonam - 631 006.

3.The Collector,
Vellore District.

4.The Revenue Divisional Officer,
Ranipet, Vellore District.

+lcc to Mr.G.Karthikeyan, Advocate, S.R.No.39456

+lcc to Mr.H.M.Mohammed Farook, Advocate, S.R.No.39053

+lcc to the Government Pleader, S.R.No.39095

W.P.No.14367 of 2015

kji(co)
cs/29/06/18

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