

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.02.2019

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.2899 of 2018

R.Sasikumar

... Petitioner

Vs

1.The District Collector
Salem District, Salem.

2.The General Manager,
Tamil Nadu Magnesite Limited,
5/53, Omalur Main Road,
Jagir Ammapalayam,
Salem District.

3.The District Employment Officer,
Salem.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus directing the respondents to consider the claim of the petitioner for appointment under priority category (under the schedule of giving employment to one of the members of the land owners whose land had been acquired by the Government for public purpose) in the light of the representation dated 28.03.2017 and pass orders within a time frame.

For Petitioner : Mr.G.Punniakoti

For Respondents : Mr.A.N.Thambidurai,
Special Govt.Pleader

O R D E R

The case of the petitioner is that the land to an extent of 1 Acre 72 cents in S.No.80/3 in No.51, Thattaiyangarpatti Village, Omalur Taluk, Salem District, belonging to the petitioner's grandfather, was acquired by the Government of Tamil Nadu along with other lands for establishment of a Government Undertaking under the Land Acquisition Act. It is

further stated that compensation was paid to the petitioner's father in his bank account, but even though the authorities have assured that they would provide employment to one of the family members of the land owner, they have not provided employment to a person in the petitioner's family.

2. With the above background, the petitioner has come up with this writ petition to direct the respondents to consider the claim of the petitioner for appointment under priority category, under the schedule of giving employment to one of the members of the land owners whose land had been acquired by the Government for public purpose, by considering the representation dated 28.03.2017 made by the petitioner.

3. When this writ petition is taken up, the learned counsel for the petitioner has submitted that similar issue has been considered by this Court in the order made in W.P.Nos.13789, 13790 and 13791 of 2011 dated 22.09.2011, wherein it has been held as under:

"6. It is not in dispute that lands of the petitioners were acquired for the purpose of establishment of North Madras Thermal Power Station as early as 1990. A perusal of G.O.Ms.No.656 Labour and Employment Department dated 29.6.1978 would reveal that one member from each family, who is displaced on account of acquisition of lands is to be provided with employment without reference to the employment exchange. By Proceedings No.B.P.Per (FB)No.3 dated 25.1.1990 the Tamil Nadu Electricity Board has adopted the said Government order. Clause (iii) of the proceedings reads as follows:

"(iii) only one person in the family identified by the Collector, Chengai Anna District is eligible for employment assistance be appointed as Helper (Trainee)."

7. As seen above, so far enumeration was not done by the fourth respondent Collector. However, now it is stated that the District Collector just has commenced the identification process. To make the process expeditious, the petitioners are directed to approach the District Collector, Thiruvellore with relevant records to identify them so as to get benefits under the scheme within four weeks from the date of receipt of the copy of the order and the fourth respondent District Collector is directed to finalise the enumeration work within 12 weeks thereafter. As soon as the enumeration work is completed as per the

schedule given above, the fourth respondent shall forward a list of beneficiaries to the first respondent Electricity Board, which will in turn implement the same and shall act upon the list provided by the District Collector as per the Board Proceedings B.P.Per(FB)No.3, Administrative Branch dated 25.01.1990 thereafter."

Stating so, the learned counsel for the petitioner has prayed that the case of the petitioner herein may be directed to be considered in the similar lines as ordered in the said writ petitions.

4.Considering the facts and circumstances of the case, the first respondent is directed to consider the representation dated 28.03.2017 made by the petitioner on merits and in accordance with law, and pass appropriate orders after affording an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

5.The writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

KM

To

1.The District Collector
Salem District, Salem.

2.The General Manager,
Tamil Nadu Magnisite Limited,
5/53, Omalur Main Road,
Jagir Ammapalayam,
Salem District.

3.The District Employment Officer,
Salem.

+1 cc to M/s.G.Punniyakotti, Advocate Sr.No.8927

+1 cc to The Government Pleader, Sr.No.9778

W.P.No.2899 of 2019

GP(CO)
CSL/27.03.2019