IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 26.09.2019

CORAM :

THE HONOURABLE MR.JUSTICE SUBRAMONIUM PRASAD

W.P.No.13628 of 2010

R.Murugesan ... Petitioner

Vs

1. The District Employment Officer,
District Employment Office,
Namakkal, Namakkal District.

2. The Director,
The Department of Employment & Training
Industrial Estate,
Guindy, Chennai 600 032.
(R-2 impleaded as per order dated
04.11.2011 by MMSJ in MP No.1 of 2011)

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a Writ of Mandamus directing the respondent to appoint the petitioner in the post of Office Assistant (OA) at the office of the respondent.

For Petitioner : Ma.P.Thangavel
For Respondents: Mrs.K.Bhuvaneswari,
Additional Government Pleader
for R1 & R2

O R D E R

This instant writ petition has been filed seeking for a direction to the respondents to appoint the petitioner as Office Assistant in the office of the respondent.

2. The petitioner is an agriculturist, whose land comprising 0.37 cents has been acquired by the Government of Tamil Nadu in the year 2006. He has no other land in the said locality. The petitioner states that G.O.No.188 has been passed in December 1976 giving priority in employment to the claimants, whose lands have

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been acquired by the Government and who did not possess any other land in the locality, which includes a person like that of the petitioner and therefore, he is entitled to priority in employment

3. The Government through its letter No.4920/B1/87-3 dated 29.02.1988 to the Director of Employment and Training, has directed that persons whose lands have been acquired and who do not possess any other land in the same locality, be given suitable employment. The said letter reads as thus :-

Government of Tamil Nadu

From
Thiru T.R.Srinivasan, I.A.S Letter No.4920/B1/87-3
Commissioner and Secretary Employment Services
to Government. Fort St. George,
Madras - 9
Dated 29.02.1988

To
The Director of Employment and Training,
Madras - 5

Sir,

Sub : Employment - Employment Assistance to families displaced on account of acquisition of land procedure of recruitment - certain clarification - Regarding
Ref : 1. G.O.Ms.No.188, Personnel and Administrative Reforms dated 28.12.76.
2. G.O.Ms.No.656, Labour and employment dated 29.06.1978
3. Your Letter No.W/85999/86 dated 12.03.1987

I am directed to invite attention to your letter third cited and to state that as long s the person seeking to register himself in the Employment Exchange is the person whose land has been acquired is a Member of the family of that persons (family defined in the usual sense, self, Husband, wife, unmarried children) he is eligible for the concession under GO.Ms.No.188, Personnel and Administrative Reforms Department dated 28.12.1976. No time limit is necessary. However, the application should be supported by certificate from revenue authorities regarding the fact of acquisition and relationship of the applicant to the land owners.

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2. As regard G.O.Ms.No.656 Labour and Employment dated 29.06.78, it is for the concerned Public sector undertakings to provide the assistance as contemplated and the employment exchanges do not enter the picture.

Yours faithfully,
sd/-
for Commissioner & Secretary to
Government

4. The learned counsel for the petitioner states that the petitioner has passed away and his wife is the only legal heir to continue the case and therefore, prays this Court to accept the impleadment of the petitioner's wife in the present writ petition.

5. The prayer in the writ petition is one for appointing the petitioner as office Assistant. The petitioner's wife will not be entitled to the job of office assistant. The death of the petitioner does not preclude the benefit of his wife to make a suitable representation to obtain a suitable post in her favour. The writ petition is of the year 2009. The petitioner's wife shall approach the respondents to get a suitable appointment in terms of the letter dated 29.02.1988. The wife of the petitioner cannot be impleaded in the present writ petition, as it cannot be said to be a continuous cause of action for the wife to be impleaded as party in the writ petition for the reason that a writ cannot be passed to give the same job to the petitioner's wife. The writ petition will abate on the death of the writ petitioner. However, as state above, the death of the petitioner does not preclude his wife to file an application before the respondents and it is the duty of the respondents to consider her application on merits.

6. Accordingly, this writ petition is disposed of. No cost.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

rka

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To,

1. The District Employment Officer,
   District Employment Office,
   Namakkal, Namakkal District.

2. The Director,
   The Department of Employment & Training
   Industrial Estate,
   Guindy, Chennai 600 032.

+1cc to Mr.Ma.p. Thangavel , Advocate SR.No. 83313
+1 cc to Government Pleader Sr.No. 83216

W.P.No.13628 of 2010

A.SK(07/11/2019)

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