

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.04.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.9614 of 2019
W.M.P.No.10227 of 2019

1.C.Kannan

2.D.Deivanai

3.D.Kannan

4.S.Padma

5.A.Karunakaran

6.D.Venkatesan

7.K.Sujatha

... Petitioners

Vs.

1.Bharat Heavy Electricals Limited
Boiler Auxiliaries Plant(B.A.P)
Rep. By the Executive Director
Ranipet.

2. The Deputy General Manager-HR
Bharat Heavy Electricals Limited
Boiler Auxiliaries Plant(B.A.P)
Ranipet

.. Respondents

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PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents to consider the legal heirs or related person of the petitioners herein for appointment in place of the petitioners and substitute their legal heirs or related persons as set out below

1.	Tmt.Deivanai	D.Sriram
2.	C.Kannan	C.Saranya
3.	D.Kannan	K.Malathi
4.	S.Padma	S.Srividya
5.	A.Karunakaran	A.Somasekar
6.	D.Venkatesan	D.Murugan
7.	S.Ilavarasan	K.Sujatha

And grant employment for the legal heirs/related person with Indcoserve as per the Minutes of the meeting of the District Collector dated 05.03.2019 granted to similarly placed persons.

For Petitioners: Mr.A.Ganapatheeswaran

For Respondents: Mr.John zachaziah
For M/s.Fox Mandal Associates

O R D E R

The relief sought for in the present writ petition is for a direction to the respondents to consider and substitute the legal heirs or related person of the petitioners herein for appointment in place of the petitioners as set out below

1.	Tmt.Deivanai	D.Sriram
2.	C.Kannan	C.Saranya
3.	D.Kannan	K.Malathi
4.	S.Padma	S.Srividya
5.	A.Karunakaran	A.Somasekar
6.	D.Venkatesan	D.Murugan
7.	S.Ilavarasan	K.Sujatha

and grant employment to them as per the Minutes of the Meeting of the District Collector dated 05.03.2019 granting similar relief to the persons as that of the petitioners herein.

2. The learned counsel for the respondents made a submission that the respondents are ready to consider the case of the writ petitioners, subject to certain conditions which are stipulated in paragraph No.12 of the counter affidavit filed on behalf of the respondents.

3. The learned counsel for the writ petitioners had gone through the counter affidavit and accepted by stating that the

writ petitioners are ready to abide by the conditions stipulated in paragraph No.12, in the event of considering their case positively. Paragraph No.12 of the counter affidavit is extracted here under:-

12. I submit that, as these persons are land losers and only with an intention that they are not disentitled to the benefit of the orders passed by this Hon'ble Court, this respondent humbly submit that an order may be passed, subject to the following;

1) The writ petition filed by (a) C.Kannan-W.P.No.10924 of 2013 (Petitioner No: 1). (b) Devanani-W.P.No.11183 of 2013 (Petitioner No:2), (c) S.Padma W.P.No.13215 of 2013 (Petitioner No: 4) (d) D.Kannan-W.P.No.10104 of 2014 (Petitioner No:3) and (e) Malliga-W.P.No.12326 of 2014 (For Petitioner No:6) by some of Land losers shall be withdrawn by the Petitioners.

2) The Legal heirs of the land loser, who are being given employment with Indcoserve, should obtain an undertaking from the other legal heirs, that no one else in the family/extended family shall claim employment in place of the original allottee and consequently the legal heir, who is being given employment, and in case of any dispute, unless the dispute is resolved, no one would be entitled for the employment with Indcoserve.

3). The Respondent will request Indcoserve to provide the petitioners/their representatives (as mentioned in the affidavit) employment and their service will be governed as per rules of Indcoserve.

4). The legal heirs of the deceased/over-aged/seriously ill person, should make an application to Indcoserve, after getting orders from the Hon'ble High Court, to consider them in place of the actual allottee for employment, as a special case.

5). As the original allottee was to work with Indcoserve, they will also work with Indcoserve only.

6). The said persons, who will be getting employment with Indcoserve, should give an undertaking that they will not claim, either for themselves or anyone claiming through them, backwages for the period from the date of the letter, granting them employment with Indcoserve till date of joining.

7) The Basic monthly emoluments will be provided to these persons by Indcoserve, according to the norms of Minimum Wages Act. However, additional eligible allowances may be considered to these legal heirs by IND COSERVE as per their policy.

8) That these legal heirs will not be ousted before they reach the age of superannuation, except pursuant to disciplinary action that may be initiated for a

misconduct and shall be granted employment as per the Minutes of Meeting of the District Collector dated 05.03.2019 granted to similar placed persons.

9). The appointment orders will be issued by Indcoserve to these legal heirs of the land losers.

4. In view of the submissions made both by the learned counsel for the writ petitioner and the learned counsel for the respondents and in view of the submission made paragraph No.12 of the counter affidavit, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssb

To

1. Bharat Heavy Electricals Limited
Boiler Auxiliaries Plant (B.A.P)
Rep. By the Executive Director
Ranipet.

2. The Deputy General Manager-HR
Bharat Heavy Electricals Limited
Boiler Auxiliaries Plant (B.A.P)
Ranipet.

+1cc to Mr. John Zachariah, Fox Mandal Associates, Sr.30731
+1cc to Mr. A. Ganapatheeswaran, Advocate Sr.31243

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pms[co]
srg 29/04/2019

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