

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17670 of 2017

K.Brindha

...Petitioner

..Vs..

Chief Engineer/Appointment,
Tamil Nadu Electricity Board,
N.P.K.R.R.Building,
144, Anna Salai,
Chennai - 600 002.

...Respondent

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondent to grant employment to the petitioner in compliance with G.O.656, Labour and Employment Department, dated 29.06.1978 along with Notification No.22027-B-1/80-2 dated 04.11.1980.

For Petitioner : Mr.K.S.Elangovan
For Respondent : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co.

ORDER

The relief sought for in the present writ petition is for a direction to direct the respondent to grant employment to the petitioner in compliance with G.O.656, Labour and Employment Department, dated 29.06.1978 along with Notification No.22027-B-1/80-2 dated 04.11.1980.

2.The petitioner states that the respondent, for the expansion of project at Hydro Power Plant Project had acquired the lands in the village of Agraharam, Bhavani Taluk, Erode District. The husband of the writ petitioner was the owner of the land which was acquired by the respondent. During the acquisition proceedings the respondent made an assurance that an employment would be provided to anyone of the family member from whom the lands were acquired. It is stated that the husband of the writ petitioner, during the relevant point of time, was a minor at the time of acquisition. The husband of the writ petitioner received compensation and subsequently not initiated any action for seeking employment as per the assurance given by the respondent.

3.The writ petitioner got married with Mr.M.Arun Prasad on 07.06.2012 and the learned counsel appearing on behalf of the petitioner states that she was the first Engineer in her family. Under those circumstances, the petitioner submitted a representation on 22.05.2017 seeking employment in the respondent/organization. However, the respondent has not furnished any reply and under those circumstances the petitioner is constrained to move the present writ petition.

4.The learned counsel appearing on behalf of the writ petitioner states that the condition for providing appointment was assured at the time of acquisition and the writ petitioner is first graduate and therefore the benefit of employment should be extended to her. However, it is an admitted fact that the representation was given by the writ petitioner on 22.05.2017, after a lapse of about 19 years from the year of land acquisition.

5.The learned counsel appearing on behalf of the respondent disputed the contentions by stating that the application itself is highly belated and submitted after a lapse of about 19 years from the year of acquisition. This apart, the writ petitioner is the wife of the land owner and the marriage between the writ petitioner and her husband itself was solemnized during the year 2012 after a lapse of about 14 years from the year of acquisition. The owner of the land during the relevant point of time was minor and so far, he has not submitted any application seeking employment for himself. Contrarily, he married the writ petitioner in 2012 and submitted an application in the year 2017 seeking employment.

6.Under these circumstances, the respondent cannot consider the case as the writ petitioner has no right. This apart, the scheme of employment is provided to mitigate the circumstances arouse on account of the land acquisition proceedings initiated in the year 1998. Those circumstances does not exist as of now on account of efflux of time. Thus, at this length of time, the benefit of employment cannot be provided.

7.This Court is of the considered opinion that such welfare schemes are implemented in order to mitigate the circumstances arising on account of the sudden initiation of land acquisition proceedings by the Government for implementing the public welfare projects. Considering the facts and circumstances, the respondent also agreed to provide employment to the needy owners who lost their land on account of the acquisition proceedings. Thus, any person aggrieved must submit an application seeking the employment within a reasonable period of time. It is not as if an application itself can be submitted after several years

and in such an event, the purpose of object of the scheme would be affected.

8.This apart, the employment in this regard must be provided within reasonable period of time i.e., atleast within a period of 1, 2 or 3 years or in 5 years. However, the application itself is filed after a lapse of 19 years from the year of land acquisition and the scheme cannot be extended for an unspecified period of time and in such an event the very purpose and object of the scheme would be affected.

9.Admittedly, in the present case, the land was acquired in the year 1998 and the land owner has not submitted any application seeking employment. The land owner Mr.Arun Prasad, married the writ petitioner in the year 2012 and the writ petitioner submitted an application in the year 2017 seeking employment.

10.Considering all these facts and circumstances, it is made clear that the writ petitioner has not established any acceptable legal ground to grant relief as prayed for in the present writ petition, accordingly, the writ petition stands dismissed. No costs.

-s/d-

Assistant Registrar (CCC)

True Copy

Sub-Assistant Registrar

mrm
To

Chief Engineer/Appointment,
Tamil Nadu Electricity Board,
N.P.K.R.R.Building,
144, Anna Salai,
Chennai - 600 002.

+1 CC to Mr.R. Ramkumar, Advocate sr 87078
+1 CC to M/s. T.S. Gopalan & Co, sr 86818.

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BS (CO)
SP(19/11/2019)