

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.10.2019

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.17837 of 2017

E.Sathishkumar

...Petitioner

..Vs..

1.Chief Engineer/Appointment,
TANGEDCO,
N.P.K.R.R.Building,
144, Anna Salai,
Chennai - 600 002.

2.Superintending Engineer/Civil,
Hydro Power Station Project,
955, E.V.N.Road,
Erode - 9.

...Respondents

Petition filed Under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus by calling upon the records pertaining to the second respondent letter rejection dated 06.01.2017 viz., க.எண்.007241/1044/நிபி1/உ.2/கோ.வேலை வாய்ப்பு/2017 நாள்/06/01/2017 and quash the same.

For Petitioner : Mr.K.S.Elangovan

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

ORDER

The Order of rejection dated 06.01.2017 issued by the second respondent rejecting the claim of the writ petitioner to provide employment among the land losers category is under challenge in the present writ petition.

2.The learned counsel appearing on behalf of the writ petitioner stated that the grandmother of the writ petitioner Mrs.Chellamal W/o.Late S.S.Kumaran was the absolute owner of the property situated in S.No.746/4 to an

extent of 0.10.00 hectare located at Bhavani A.Village, Bhavani Taluk, Erode District. The first respondent acquired the land to an extent of 25 cents, for the development of Hydro Power Plant Project. At the time of acquisition, the first respondent had promised that an employment will be provided to one of the family members of the land losers and in this regard, the first respondent issued G.O.No.656, Labour and Employment dated 29.06.1978.

3.The learned counsel appearing on behalf of the petitioner stated that the grandfather of the writ petitioner was not alive at the time of the land acquisition and therefore, at that point of time, no action was initiated immediately. The grandmother of the writ petitioner submitted an application to provide employment for two of the family members through letter dated 02.05.1994 and again during the year 1996. The request applications were not considered and no reply was given.

4.The petitioner states that he is a qualified Engineer and obtained Masters Degree in Electronic and Electrical Engineering from Karunya University. On his behalf, the grandmother of the writ petitioner submitted a representation on 14.07.2016 to provide employment in the first respondent Department. The second respondent rejected the claim in their proceedings dated 06.01.2017 stating that in the application submitted during the years 1994 and 1996, the grandmother of the writ petitioner made a declaration that, in future she will not nominate any other person for the purpose of providing employment. However, again she had submitted an application seeking employment on behalf of Mr.Mohan Kumar and on third occasion, the representation was made by the land owner Smt.Chellamal to provide employment to the writ petitioner Mr.E.Sathishkumar.

5.Thus, the land owner submitted three applications to provide appointment to three different persons and as per the scheme, such applications cannot be entertained at all. The writ petitioner submitted the applications after a lapse of about 18 years from the year of acquisition proceedings. Under these circumstances, this Court do not find any infirmity in respect of the order passed.

6.The scheme of employment is a special one, it has to be implemented strictly in accordance with the terms and conditions stipulated. Such special scheme cannot be extended for an unspecified period, so as to provide public

employment to one person of the land losers family. The very object and purpose of this scheme is to mitigate the circumstances arouse on account of the sudden land acquisition proceedings. The employment is to be provided within reasonable period of time and not after a lapse of several years. Such special schemes are implemented by way of concessions. Such concession can never be claimed as a matter of right. However, such concessions can be offered by the officials within a reasonable period of time and not after a lapse of 16 years.

7. In the present case, three applications were submitted in the year 1994 and 1996 and the petitioner has not pursued during the relevant point of time. The applications filed by the writ petitioner during the years 1994 and 1996 were rejected by the Officials in the year 2018.

8. Thus, 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.

mrn

Sd/-

Assistant Registrar (CS)

//True Copy//

Sub Assistant Registrar

To

1. Chief Engineer/Appointment,
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2. Superintending Engineer/Civil,
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955, E.V.N. Road,
Erode - 9.

+2ccs to Mr. R. Ram Kumar , Advocate SR.No. 87077

+1cc to Mr. T. S. Gopal and co , Advocate SR.No. 86819

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A.SK(19/11/2019)