



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.11.2019

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE R.THARANI

W.P. (MD) No.15626 of 2018

M.Appavu

... Petitioner

-vs-

- 1.The Nuclear Power Corporation of India Limited,
(A Government of India Enterprise),
Represented by its Chairman,
7th Floor, North Wing,
V.S.Bhavan,
Anushaktinagar,
Mumbai - 400 094.
Maharashtra State.
- 2.The Director,
Kudankulam Nuclear Power Project,
Kudankulam Post,
Radhapuram Taluk,
Tirunelveli District.
Tamil Nadu - 627 106.
- 3.The District Collector,
Tirunelveli District,
Tirunelveli.
- 4.The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.
- 5.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.
- 6.The Inspector of Police,
Kudankulam Police Station,
Kudankulam,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the notification under reference Advertisement No.01/KKNPP/HRM/2018 published by the 1st respondent on 18.04.2018 in



the newspaper with regard to selection of candidates to the post of 'C' and 'D' other than the Project Affected Persons (PAP) who are liable to be appointed as per the memorandum of understanding dated 18.02.1999 and quash the same as illegal and invalid and consequently direct the Respondents 1 and 2 to provide employment in the cadre of 'C' and 'D' to the Project Affected Persons in pursuance of the memorandum of understanding under reference Na.Ka.No.C3/2954/98 dated .03.99 forthwith.

For petitioner : Mr.S.Palani Velayutham

For Respondents 1 & 2 : Ms.Geetha Ara
for Mr.C.Muthusaravanan

For Respondents 3 to 6 : Mr.A.K.Baskarapandian
Special Government Pleader

O R D E R

[Order of the Court was made by T.S.SIVAGNANAM, J.]

This Writ Petition designed as Public Interest Litigation has been filed by Mr.M.Appavu, who is the Honorary President of the Kudankulam Nuclear Power Plant Labour Welfare Association. In this Writ Petition, the petitioner focussed the plight of the persons alleged to have been affected by the Project and referring to certain understanding sought for employment opportunities to them in Group 'C' and 'D' posts.

2.The order impugned is the notification issued by the first respondent Nuclear Power Corporation with regard to selection of Group 'C' and 'D' posts. Therefore, the cause which has been cropped up before this Court pertains to service matter, in which public interest litigation is not maintainable. The petitioner rests his case on certain assurances, which were put forth and therefore, the local people who are eligible for appointment to Group 'C' and 'D' posts have to be considered and the impugned notification is illegal in view of the non-inclusion of selection process under preferential category to the local people, who are land losers.

3.Considering the fact that the issue involved is a service matter, more particularly, a recruitment notification, we cannot entertain public interest litigation at the instance of the petitioner, more particularly, when the relief is one for certiorarified mandamus to quash a recruitment notification and issue appointment orders. It is not the case of the petitioner that any one of the land losers are before this Court. Therefore, we hold that this Writ Petition entertained as Public Interest Litigation



for such relief is not maintainable.

4. In view of the above, the Writ Petition is closed. No costs.

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Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar (CS)

sj

To

1. The District Collector,
Tirunelveli District,
Tirunelveli.

2. The Tahsildar,
Radhapuram Taluk,
Tirunelveli District.

3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4. The Inspector of Police,
Kudankulam Police Station,
Kudankulam,
Tirunelveli District.

+1 CC to M/s.C.MUTHU SARAVANAN, Advocate (SR-99328[F] dated
19/11/2019)

+1 CC to M/s.S.PALANI VELAYUTHAM, Advocate (SR-99405[F] dated
19/11/2019)

+1 CC to M/s.SGP (SR-99544[F] dated 19/11/2019)

W.P. (MD) No.15626 of 2018
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KK/SAR/27.11.2019/3P-8C/