

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.01.2020

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

W.P.NO.20813 OF 2012

AND

M.P.NO.1 OF 2012

K.Jayanthi

... Petitioner

Vs.

1.Executive Officer
Bharat Heavy Electricals Limited (BAP)
Ranipet - 6,
Vellore District.

2.Convener and District Revenue Officer
Collector Office
Vellore - 9.
Vellore District.

3.Tahsildar
Walajah,
Vellore District.

.... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records pertaining to the order passed by the second respondent in his Proceedings Rc.G3/42157/2011 dated 09.12.2011 and Na.Ka.No.G3/26505/2008 dated 26.06.2012 and quash the same and direct the respondents to appoint the petitioner in any one of the suitable categories according to her qualification in clerical post.

For Petitioner : Mr.P.Ganesan
for M/s.C.S. Associates
For Respondent-1: Mr.John Zachariah
for M/s.Fox Mandal Associates
For Respondents 2&3:Mr.I.Sathish
Additional Government Pleader

O R D E R

The petitioner claims employment in view of the land given in favour of the first respondent for establishing the

company. For the purpose of establishing the first respondent / BHEL, lands were acquired from various land owners. The subject matter was dealt with by a Division Bench of this Court in W.A.Nos.1275 to 1277 of 2008 etc. batch. In the order dated 29.09.2010 in W.A.Nos.1275 to 1277 of 2008, etc. batch, the Division Bench had considered all the issues. In respect of providing employment to the displaced land owners, the Division Bench appointed a Screening Committee, to consider the request of the land losers. It appears that the Government allotted large extent of land to BHEL vide G.O.Ms.No.87, dated 27.01.1981. The said allotment was with a pre-condition to provide employment to the local people, who were displaced by land acquisition. According to the first respondent - BHEL, all the displaced persons were given employment, whereas, there were agitations by local people for not providing employment. The Division Bench thought it fit to appoint a Screening Committee to give a quietus to this issue. Accordingly, the Screening Committee, considered the claim of various people including that of the petitioner. Somewere given employment and some applications were rejected. The petitioner's application was rejected on the ground that one Easwari D/o.Annamalai Naidu was given employment and therefore, there cannot be any employment to the said family. Aggrieved over the same, the petitioner is before this Court.

2. The learned counsel for the respondents would rest his argument on the basis of the detailed counter affidavit filed on behalf of the respondents. It is contended that for the family of Annamalai Naidu, one appointment was given to his daughter and there is no feasibility to give appointment to another member of the family.

3. I have considered the submissions made on either side.

4. Admittedly, the lands were acquired from the grandfather of the writ petitioner, namely, Annamalai Naidu to an extent of 0.83.5 hectares in S.Nos.131/2, 131/3, 131/4, 131/13, 131/15, 131/17, 131/18, 131/19 and 131/20 in Mukundarayapuram Village, Walajah Taluk, Vellore District. It is the contention of the petitioner that the lands of his wife Kannammal were acquired for the purpose of establishing the factory of the first respondent. In that view of the matter, Annamalai Naidu and his wife Kannammal becomes independent awardees. According to the petitioner, Easwari was given employment for the lands acquired from Kannammal W/o.Annamalai Naidu. When it is the stand of the respondents that independent awardees were given employment, it cannot be said that the petitioner is not entitled to appointment. In the event that Annamalai Naidu is an independent awardee, his legal heirs are

entitled to employment. The contention of the respondents that one Eswari was given employment for that family, cannot be accepted. Kannammal herself is an independent awardee and for the land lost by the said Kannammal, one Eswari was given appointment. For the land lost by Annamalai Naidu, the grandfather of the petitioner, the petitioner is entitled to get employment. The Screening Committee should have adhered to the uniform policy of the awarding employment to the independent land losers.

5. Therefore, the impugned order passed by the Screening Committee dated 26.06.2012 headed by the second respondent is set aside and the matter is remitted back to the respondents for re-consideration. The respondents are directed to consider the request of the petitioner for providing employment as a legal representative of Annamalai Naidu, an independent awardee and pass orders, within a period of eight weeks from the date of receipt of a copy of this order.

6. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Executive Officer
Bharat Heavy Electricals Limited (BAP)
Ranipet - 6, Vellore District.
- 2.The Convener and District Revenue Officer
Collector Office
Vellore - 9, Vellore District.
- 3.The Tahsildar
Walajah, Vellore District.

+1cc to Mr.Fox Mandal & Associates, Advocate, S.R.No. 1208
+1cc to Mr.P.Ganesan, Advocate, S.R.No. 1697
+1cc to the Government Pleader, S.R.No. 1921

W.P.NO.20813 OF 2012

VSN II(CO)
GN(30/07/2020)