

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 10.07.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 29426 OF 2013

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..Petitioner

- Vs -

1. The State of Tamil Nadu
rep. By its Secretary to Government
Industries (MID 1) Department
Fort St. George, Chennai 600 009.
2. The District Collector
Tiruvallur.
3. The Special Tahsildar (Land Acquisition)
Aromatics Complex (MRL) Now CPCL
Saidapet, Chennai 600 015.
4. The Management of Chennai
Petroleum Corporation Ltd.
Regd. Office at 536, Anna Salai
Teynampet, Chennai - 10.

..Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of mandamus directing the respondents to appoint the petitioner's son Kesavan in employment under the 4th respondent company under the displaced persons category as per the undertaking made by the respondents in W.P. No.23485/2010. सत्यमेव जयते

For Petitioner : Mr. V.Raghavachari

For Respondents : Mr. A.N.Thambidurai, Spl. GP, for RR-1 to 3
Mr. Kishore for Mr.Gautam Balaji for R-4

ORDER

It is the case of the petitioner that his property was part of the acquisition for the extension of the factory of the 4th respondent and at the time of acquisition, an assurance was given by the 4th respondent that opportunity of employment would be provided in the proposed factory for any one of the family

members. In consequence of the same, receiving the meagre compensation, the petitioner parted with the property in the acquisition proceedings. Though the 4th respondent provided employment for six persons from the deprived families, however, similar benefit was not extended to the petitioner. Therefore, the petitioner was constrained to file W.P. No.24385/10 in which the respondents undertook that as and when new projects are put up, the petitioner's case would be considered and recording the said undertaking the petition was disposed of on 22.10.10. However, since no opportunity was given to the petitioner, a representation was submitted on 24.9.13 for extension of employment opportunity to his son, which did not evoke any response and, therefore, the petitioner is constrained to move the present writ petition.

2. Learned counsel appearing for the petitioner submitted that inspite of the undertaking given by the petitioner in the earlier round of litigation, even after a lapse of more than three years, the 4th respondent has not extended similar benefit of employment to the petitioner's son. Further, it is submitted that the representation submitted by the petitioner for extension of similar benefit did not evoke any response and, therefore, it is prayed that a mandamus be issued to the 4th respondent to consider the petitioner's representation affirmatively.

3. Per contra, learned standing counsel appearing for the 4th respondent submitted that the prayer as made in the present petition is not only similar to the one made in W.P.23485/10 in which the above undertaking was given, it is also submitted that the undertaking has not been violated as no new projects have been put up by the 4th respondent and as and when new projects are initiated by the 4th respondent, the case of the petitioner would be considered.

4. This Court heard the learned counsel appearing for the petitioner and the learned counsel appearing for the respondents and perused the materials available on record.

5. The materials available on record, as also the submissions advanced on behalf of the parties categorically reveal that this Court, as early as in W.P. No.23485/01, while recording the submission of the 4th respondent that the case of the petitioner for employment would be considered as and when new projects are announced, disposed of the writ petition recording the undertaking given by the respondents. It is the submission of the learned counsel that no new projects have been announced and, as and when new projects are announced, the representation of the petitioner for employment to his son would be considered. In the wake of the said directions issued in

W.P. No.23485/10, similar relief being sought for, no specific order needs to be passed, as the orders passed in W.. No.23485/10 squarely covers the issue.

6. In the above circumstances, this writ petition is disposed of recording the undertaking of the 4th respondent that the representation of the petitioner would be considered as and when new project. The petitioner is at liberty to approach the 4th respondent by submitting a fresh representation as and when any new project is announced by the 4th respondent and the 4th respondent shall consider the representation of the petitioner, if any, submitted, and pass appropriate orders in accordance with law.

7. This writ petition is disposed of with the aforesaid observation and directions. However, there shall be no order as to costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

GLN

To

1. The Secretary to Government Industries (MID 1) Department Government of Tamil Nadu Fort St. George, Chennai 600 006.
2. The District Collector Tiruvallur.
3. The Special Tahsildar (Land Acquisition) Aromatics Complex (MRL) Now CPCL Saidapet, Chennai 600 015.
4. The Management of Chennai Petroleum Corporation Ltd. Regd. Office at 536, Anna Salai Teynampet, Chennai - 10.

+1cc to Mr.Arjun Suresh, Advocate, S.R.No.24652

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KKV/04/08/2020