

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.12.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P.No.34386 of 2013

K.Shankar

... Petitioner

Vs

1. The State of Tamil Nadu,
Rep. by Secretary,
Industries Department,
Fort St. George,
Chennai - 9.

2. The General Manager,
Bharat Heavy Electricals Ltd.
Ranipet,
Vellore District.

3. The District Collector,
Vellore District.

.... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue writ of Mandamus directing the respondents to consider, select and appoint the petitioner to any suitable and available vacancies in the 2nd respondent undertaking, in the displaced families category, as per G.O. Ms. No.87, Industries Department dated 27.01.1981.

For Petitioner : Mr.C.K.Chandrasekar

For Respondents: Mr.S.Thangavel,

Spl. Govt. Pleader for R1 and R3

Mr.John Zachariah

for M/s.Fox Mandel & Associates for R2

ORDER

Petitioner has come up with this writ petition seeking direction to the respondents to consider, select and appoint the petitioner to any suitable and available vacancies in the 2nd respondent undertaking, in the displaced families category, as per G.O. Ms. No.87, Industries Department dated 27.01.1981.

2. According to the petitioner, the lands pertaining to his grand mother was acquired by way of Proceedings issued by the Special Tahsildar (Land Acquisition), for establishing boiler auxiliaries for BHEL Ltd., Ranipet. At the time of issuance of acquisition proposals, the first respondent passed G.O. Ms.No.87, Industries Department, dated 27.01.1981, fixing guidelines and introduced rehabilitation schemes to the displaced families, whereby preference in employment opportunity was provided to land owners who were deprived of their lands on account of the said acquisition. Subsequently, this Court passed orders in W.A. No.1275 of 2008, dated 29.09.2010 to consider the applications / claims made by the lands owners, whose lands have been acquired as per G.O. Ms.87, dated 27.01.1981 by the screening committee. Thereafter screening committee was constituted and after following due procedure of law, cut off date was fixed as 23.9.11 and applications were called for from the affected persons. As the petitioner was unaware of the said notification, he submitted representations, dated 28.10.2013 and 18.11.2013 to the respondents, seeking employment for one of his family members, which has not been considered till date. Hence, this writ petition.

3. Learned counsel for the petitioner submits that it would suffice if a direction is issued to the respondents to consider the representation of the petitioner in the light of the order dated 29.09.2010 made in W.A. No.1275 of 2008, within a time frame as stipulated by this Court.

4. Per contra, Mr. John Zachariah, learned counsel appearing for the 2nd respondent submitted that Notification was issued calling application for employment in BHEL for land losers by fixing cut off date and sufficient time was also provided. Without making any application as per Notification, the petitioner cannot claim for employment as per the orders passed by the Hon'ble Division Bench of this Court. However, he further submits that, the petitioner may be directed to send a copy of the representations dated 28.10.2013 and 18.11.2013 to the respondents and the same would be considered on merits and in accordance with law within a reasonable time.

5. Having regard to the above facts and the nature of relief sought for in this writ petition, this Court is of the view that the claim made by the petitioner for issuing positive direction to the 2nd respondent to provide employment opportunity cannot be considered by this Court in exercise of powers conferred under Article 226 of the Constitution of India. Such a relief sought for by the petitioner is to be best left open to be considered by the 2nd respondent. However, this Court, without going into the merits of the case, directs the

petitioner to submit a copy of the representations dated 28.10.2013 and 18.11.2013 to the 2nd respondent along with a copy of this order, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representations, the 2nd respondent is directed to consider the same and pass orders on merits and in accordance with law, in the light of the order dated 29.09.2010 made in W.A. No.1275 of 2008, within a period of twelve weeks thereafter.

6. With the above directions, the writ petition stands disposed of in the abovesaid terms. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vsi2

To

1. The Secretary
State of Tamil Nadu,
Industries Department,
Fort St. George,
Chennai - 9.

2. The General Manager,
Bharat Heavy Electricals Ltd.
Ranipet,
Vellore District.

3. The District Collector,
Vellore District.

+1 cc to The Government Pleader, Sr.No. 40732

+1 cc to M/s.Fox Mandal & Associates ,Advocate Sr.No. 406491

W.P.No.34386 of 2013

RSI (CO)

RMP (03/02/2021)

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