



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.09.2020

CORAM:

THE HON'BLE MR.JUSTICE R.SURESH KUMAR

W.P. (MD)No.12363 of 2020

WEB COPY

Raja Lysa Dhas

...Petitioner

-Vs-

1. The Secretary to Government,
Secretariat,
Fort St.George, Chennai
2. The District Collector,
Nagerkoil,
Kanyakumari District.
- 3) The District Employment Officer,
Konam, Nagerkoil,
Kanyakumari District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 02.09.2020 in the light of G.O.Ms.No.656 dated on 29.06.1978 within a time frame to be fixed by this Court.

For Petitioner : Mr.J.Senthil Kumaraiah

For Respondents : Mr.S.Dhayalan,
Government Advocate

O R D E R

The prayer sought for in this Writ Petition is for a Writ of Mandamus, directing the respondents 2 and 3 to consider the petitioner's representation dated 02.09.2020 in the light of G.O.Ms.No.656 dated on 29.06.1978 within a time frame to be fixed by this Court.

2. The case of the petitioner is that the petitioner's land which stood in the name of his father Ramasamy, was acquired by the Government for the purpose of establishing Samathuvapuram Scheme in the year 2009.

3. It is the claim in this regard of the petitioner that at the time of acquiring the land, it was assured that on priority basis, employment opportunity would be given to the petitioner.



4. Subsequently, on that basis, it is claimed by the petitioner that, the petitioner was appointed as Computer Operator at the second respondent office for three months period and thereafter, again he was appointed as Draftsman in 2014 and he was also appointed at e-service Kendra and he worked there from 2016 to 2017 and from July 2017 to November 2017, the petitioner was working in the computer section at the office of the Kalkulam Tahsildar. Thereafter, he was not given any job by the respondents.

5. In this context, it is the grievance of the petitioner that, he had obtained an educational qualification of Diploma in Computer Technology and is a family man with wife and two children and since the land belonging to the petitioner has already been acquired and a temporary job given by the respondents has already come to an end, therefore, he is struggling like anything. Hence, in this regard, the petitioner has already got a priority certificate from the Tahsildar concerned, on 24.11.2017 certifying that, the petitioner can be considered for Government job, on priority basis under the category of owner of 'acquired land'.

6. Therefore, the petitioner seems to have given various representations to the respondents and last such representation, in this regard, has been made by the petitioner on 02.09.2020 and the same is still pending with the respondents, especially at the second respondent office. Therefore, the learned counsel for the petitioner would submit that, if the said representation dated 02.09.2020 is directed to be considered by the second respondent on merits and in accordance with law, within a time frame to be stipulated by this Court and an order to that effect is directed to be passed, then, the petitioner would be satisfied.

7. Heard Mr.S.Dhayalan, learned Government Advocate appearing for the respondents, who would rely upon G.O.Ms.No.188, dated 20.12.1976 and would submit that, if at all the land, for any public purpose, is acquired from Schedule Caste Community people, for whom only, priority can be given in public employment and in respect of others, such a procedure is not being adopted and no Government Order to that effect is available. Therefore, the request of the petitioner cannot be positively considered at this juncture by the respondents. Therefore, the request of the petitioner seeking for public employment on priority basis, under the land acquisition category, does not arise at all.

8. Be that as it may, since the petitioner has given a representation and prior to that, it is the admitted fact that, the land of the petitioner has been acquired and as claimed by the petitioner, pursuant to which, the petitioner was given temporary job some time between 2017 and 2019, of course, at frequent



intervals, he has been ousted from each of the job, and at present, he seeks indulgence of the respondents sympathetically and on compassionate ground, by giving priority to the petitioner. Whether such a priority can be given to the petitioner, for which, the petitioner is entitled or not, as per the extant Rules available in this regard, can be gone into by the respondents, especially the second respondent and accordingly, a decision pragmatically can be taken.

9. In that view of the matter, this Court is inclined to dispose of the writ petition with the following orders:

"that the representation of the petitioner, dated 02.09.2020 shall be considered by the respondents on merits and in accordance with law and orders to that effect shall be passed within a period of eight weeks from the date of receipt of a copy of this order".

10. With these directions, the Writ Petition stands disposed of. However, there shall be no order as to costs.

Sd/-

Assistant Registrar (CS-III)

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/ /2021

Sub Assistant Registrar (CS)

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To:

1. The Secretary to Government,
Labour and Employment Department,
Secretariat, Fort St. George, Chennai
2. The District Collector,
Nagerkoil, Kanyakumari District.
- 3) The District Employment Officer,
Konam, Nagerkoil,
Kanyakumari District.

+1 cc to The Special Government Pleader Sr.No.17968

Order made in

W.P. (MD)No.12363 of 2020

Dated:

23.09.2020

KM (06.01.2021) 3P 5C

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