

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.25963 of 2011

1.T.Aeron  
2.A.Kesavan

... Petitioners

-Vs-

1.The State of Tamilnadu  
rep.by its Secretary to Government  
Industries (MID-1) Department  
Fort St.George, Chennai - 600 009.

2.The District Collector, Thiruvallur District  
Thiruvallur.

3.The Special Tahsildar (Land Acquisition)  
Aromatics Complex (MRL) now CPCL  
Saidapet, Chennai - 600 018.

4.M/s.Chennai Petroleum Corporation Ltd.,  
rep.by its Secretary, Regd.Office at  
No.536, Anna Salai, Teynampet  
Chennai 600 018.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 4th Respondent to consider the candidature of the 2nd petitioner and to provide him an employment in any one of the posts under the 4th respondent company namely M/s.Indian Oil Tanking Limited (IOTL) has put up Bulk LPG Terminal and LPG Bottling Plant in Vaikkadu Village Madavaram Taluk Thiruvallur District or in any other place subject to fulfilling of qualification.

For Petitioners : Mr.K.Munuswamy

For Respondents : Mr.K.Magesh, Special Govt.Pleader  
- for RR 1 to 3  
Mr.B.Kishore - for R4

O R D E R

The prayer sought for herein is for a Writ of Mandamus directing the 4th Respondent to consider the candidature of the 2nd petitioner and to provide him an employment in any one of the posts under the 4th respondent company namely M/s.Indian Oil Tanking Limited (IOTL) who has put up Bulk LPG

Terminal and LPG Bottling Plant in Vaikkadu Village Madavaram Taluk Thiruvallur District or in any other place subject to fulfilling of qualification.

2. The petitioners' land was acquired for the project of the fourth respondent according to the petitioners and at the time of acquiring the land, it was assured that for the land owners, whose lands are acquired, employment opportunities would be given and based on which, in order to get job from the fourth respondent, the petitioners have made attempt several times and in this regard, already they have filed writ petitions before this Court. Based on the undertaking given by the fourth respondent that, at the time of new project is started, certainly the candidature of the petitioner ie., the second petitioner would be considered for employment.

3. In this context, the earlier writ petition filed by the petitioner was disposed of by a learned Judge of this Court by an order dated 22.10.2010 in W.P.No.23485 of 2010, where the undertaking given by the fourth respondent dated 19.08.2010 had been recorded and after recording the same, the learned Judge has passed the following order.

" 3. In the light of the reply given by the fourth respondent, the petitioner is directed to await till the date of recruitment during the commencement of new projects that may be put up in the acquired lands by the company and no further direction be necessarily issued to the respondents in this regard.

4. Accordingly, this writ petition is disposed of by recording the reply given by the fourth respondent dated 19.08.2010."

4. Subsequently, the present writ petition has been filed and when this writ petition was pending before this Court, the petitioner had filed another writ petition in W.P.No.29426 of 2013, which was also considered by a learned Judge of this Court, who has passed an order on 10.07.2020.

"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."

5. At this juncture, when this writ petition has been taken up for final hearing., learned counsel for the petitioner has submitted that, even though the fourth respondent has been maintaining the stand, whenever new projects are started, the candidature of the petitioner ie., the second petitioner would be considered for appointment, no such new projects have come. However, in the existing projects, the fourth respondent is going on making appointments for several people, but they omitted to take the land acquisition category like the petitioner. Therefore, instead of waiting for the new projects to come, a direction can be given to the fourth respondent to consider the second petitioner's candidature at the existing projects itself.

6. However, Mr.B.Kishore, learned Standing Counsel for the fourth respondent, by relying upon the aforesaid documents, especially the orders referred to above, passed in the earlier round of litigation before this Court, would contend that, as committed by the fourth respondent, certainly the second petitioner's candidature would be considered for employment whenever new project is taken up and in this regard, the fourth respondent is not going back from the commitment already given and the same having been recorded by this Court as two orders have been passed and even now the the fourth respondent wants to take the very same stand that, as soon as new project is started, certainly the second petitioner would be considered for employment.

7. I have considered the rival submissions made on behalf of the learned counsel for both sides and have perused the materials placed on record.

consistently maintained all along and this has been recorded by the learned Judges of this Court on two occasions in the two orders passed by this Court, I do not want to deviate from the same, as the very same stand has been maintained by the fourth respondent in this writ petition also.

9. Therefore, recording the said statement of the learned counsel for the fourth respondent that, whenever new project is started, certainly the candidature of the second petitioner would be considered for employment, this Court is inclined to dispose of this writ petition. Accordingly, the writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

KST

To

- 1.The Secretary to Government  
Industries (MID-1) Department  
Fort St.George, Chennai - 600 009.
- 2.The District Collector, Thiruvallur District  
Thiruvallur.
- 3.The Special Tahsildar (Land Acquisition)  
Aromatics Complex (MRL) now CPCL  
Saidapet, Chennai - 600 018.
- 4.The Secretary  
M/s.Chennai Petroleum Corporation Ltd.,  
Regd.Office at No.536, Anna Salai, Teynampet  
Chennai 600 018.

+1cc to Mr.S.Arjun Suresh, Advocate, S.R.No. 17661  
+1cc to the Government Pleader, S.R.No.17594

W.P.No.25963 of 2011

PMK(CO)  
GN(09/04/2021)