

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.Nos.4739 to 4743 of 2015

Raju, S/o.Raja Gounder ... Petitioner
in W.P.No.4739 of 2015

Marimuthu, S/o.Raja Gounder ... Petitioner
in W.P.No.4740 of 2015

Arumugam, S/o.Ramasamy Petitioner
in W.P.No.4741 of 2015

Mangaiyarthilagam, W/o.Munusamy ... Petitioner
in W.P.No.4742 of 2015

Chinnapillai S/o.Kuppusamy ... Petitioner
in W.P.No.4743 of 2015
Vs.

1. Tamilnadu Generation and Distribution Corporation Ltd., rep. by its Chairman, 144, Anna Salai, Chennai - 2.
2. The Chief Engineer [Personnel], Tamilnadu Generation & Distribution Corporation Ltd., 144, Anna Salai Chennai - 2.
3. The Superintending Engineer [Civil], Mettur Thermal Power Station, Mettur Dam, Mettur, Salem District. Respondents in all WPs

Petitions filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to consider the petitioners' respective representations dated 11.12.2014, 11.12.2014, 11.12.2014, 29.10.2014 and 11.12.2014 and give suitable employment to Raman, Mahendiran, Moorthy, Jayavelu and Karthikeyan forthwith as given to the members of three land losers, who are similarly placed persons.

For Petitioner : Mr.R.Krishnaswamy
in all cases
For Respondents : M/s.T.S.Gopalan & Co.
in all cases

COMMON ORDER

The petitioners have filed these writ petitions to direct the respondents to consider their respective representations and give suitable employment to a member of each family.

2. According to the learned counsel for the petitioners, the cultivating lands of the petitioners, which were their only source of livelihood, were acquired for ash dumping for Mettur Thermal Power Station in the year 1986. Though they were paid compensation and each member of their families are entitled for employment assistance by giving priority as per G.O.Ms.No.188 Personnel and Administrative Reforms (Personnel -P) Department dated 28.12.1976, no employment assistance was provided to their respective family members, stating that the lands were situated in Survey No.374/3; only a member in the family of Raja Gounder, who was the original owner, alone will be given employment and the members of other families of the land losers, who purchased lands from the said Raja Gounder, would not be given employment assistance, though their lands were acquired.

3. The learned counsel for the petitioners further submitted that the other three land losers filed W.P.Nos.32818 to 32820 of 2002, which by order of this Court, dated 13.09.2012, were allowed and the respondents were directed to issue appointment orders to the petitioners therein within a period of three months from the date of receipt of copy of the order. While doing so, it was observed as follows:

"8....even if 1/4th share had been taken from four separate families, who were in possession of the lands, four members of the family were entitled to be employed by the Tamil Nadu Electricity Board. It was further held that when the Board acquired the land belonging to one family, the members of the family, who are going to have partition, were assured of employment including the grand father and his three sons; therefore, the said order has to be extended to the petitioners as well. On that basis, this Court looking at the admitted fact that the respondents paid the compensation to all the petitioners and thereby, having accepted their status as landowners and granting them one part of the benefit viz., compensation, they should also extend the other part of the benefit viz., employment assistance."

Pursuant to the aforesaid order, the family members of the other land losers were given employment assistance. As the petitioners are similarly placed persons, they made separate representations on 11.12.2014, 11.12.2014, 11.12.2014, 29.10.2014 and 11.12.2014 respectively to the respondents requesting to extend the same benefit to them. But, till date, no order was passed on the said representations. Hence, the present writ petitions.

4.On the other hand, the learned counsel appearing for the respondents fairly submitted that the respondents would consider the representations of the petitioners, if they are pending, and pass orders, on merits, within a stipulated time to be fixed by this Court.

5.Considering the facts and circumstances of the case and having regard to the submissions made by the learned counsel on either side, this Court directs the respondents to consider the respective representations of the petitioners dated 11.12.2014, 11.12.2014, 11.12.2014, 29.10.2014 and 11.12.2014, if not already considered and pass appropriate orders, on merits and in accordance with law and also in the light of G.O.Ms.No.188 dated 28.12.1976 and the order of this Court dated 13.09.2012 in WP.Nos.32818 to 32820 of 2002, within a period of eight weeks from the date of receipt of a copy of this order.

6.Accordingly, all the writ petitions are disposed of. No costs.

Sd/-

Assistant Registrar (CCC)

//True Copy//

Sub Assistant Registrar

vrc

To

1. Tamilnadu Generation and Distribution Corporation Ltd., rep. by its Chairman, 144, Anna Salai, Chennai - 2.
2. The Chief Engineer [Personnel], Tamilnadu Generation & Distribution Corporation Ltd., 144, Anna Salai Chennai - 2.
3. The Superintending Engineer [Civil], Mettur Thermal Power Station, Mettur Dam, Mettur, Salem District.

+1cc to Mr.T.S.Gopalan, Advocate, S.R.No. 6136
+1cc to Mr.V.Ajoy Khose, Advocate, S.R.No. 5865

W.P.Nos.4739 to 4743 of 2015

PP(CO)
GN(07/07/2021)