



W.P.No.18429 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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Dated: 23.11.2022

Coram:

THE HONOURABLE MRS.JUSTICE N.MALA

W.P.No.18429 of 2012

S.D.Punitharajan

... Petitioner

Vs.

1.The Bharat Heavy Electricals Limited,
(A Government of India Undertaking)
Boiler Auxiliaries Plant,
rep. by The Manager- HR
(HR-RX, RMX, TDX & GAX)
Ranipet- 632 406.

2.The Convener and District Revenue Officer,
Screening Committee,
Collectorate,
Vellore-632 009.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the Intimation Letter dated 09.12.2011 issued by the 2nd respondent in her office Ref: Rc.G3/42246/2011, quash the same and direct

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the respondents to select and provide employment to the petitioner considering his educational qualification in the 1st respondent company, under the category of displaced land owners/ land losers, within the time that may be fixed by this Hon'ble Court.

For Petitioner : Mr.P.Mani
For R1 : Mr.John Zachariah
for M/s.Fox Mandal & Associates
For R2 : Mr.D.Gopal
Government Advocate

ORDER

This Writ Petition is filed for a writ of Certiorarified Mandamus challenging the order dated 09.12.2011 issued by the 2nd respondent and direct the respondents to select and provide employment to the petitioner considering his educational qualification in the 1st respondent company, under the category of displaced land owners/ land losers.

2. The case of the petitioner is that the lands in Survey No.327/2, 327/3, 328/2, 328/3 and 331/7 in Seekarajapuram Village, Wallajah Taluk, Vellore District were acquired from his grandfather Mr.Daniel, and the acquisition was for the purpose of first respondent company. An award was



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passed in Award No.7/82 dated 30.06.1982. According to the petitioner the lands were acquired on the assurance that employment would be given to member's of the displaced family. According to the petitioner, the petitioner's grandfather died on 02.04.2002 leaving behind him his wife Ranjitham Daniel, daughter Sarguna Savithiri and sons D.Sundararajan and D.Athisayarajam. The petitioner is the son of D.Sundararajan and he states that the wife, daughters and sons of deceased Daniel i.e. his grandfather, gave consent for giving employment to him under land losers category. The petitioner further states that in pursuance of the orders of this Hon'ble Court, the first respondent invited applications from the family members of the land losers, the petitioner submitted his application and was also called for interview by the screening committee. Thereafter, the petitioner attended the interview along with the duly filled form along with necessary certificates on 17.11.2011. The second respondent vide intimation letter dated 09.12.2011, rejected the petitioner's claim for employment. Aggrieved by the same, the petitioner has filed the above writ petition.



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3. The respondent filed counter affidavit stating that the respondent company had approached the State Government for acquisition of land for setting up "Boiler Auxiliaries Plant" and the State Government on consideration of the request and on condition that preference will be given to the land losers during recruitment by the respondent company accorded sanction for acquisition. The respondent admits that a batch of writ petition's were filed and direction's were issued by this Hon'ble Court providing for the constitution of a Screening Committee for the purpose of providing employment to any one member of the family of the displaced land loser. According to the respondent, the petitioner's request for employment was rejected by the Screening Committee, in view of the fact that one Mrs.D.Punitha Soundari (Staff No.4160231), the daughter of the land loser Mr.Daniel and Mrs.Ranchithammal, was given employment in the second respondent company. The said D.Punitha Soundri worked in the company from 30.04.1984 till her death on 03.03.1988. The respondent therefore submitted that, as employment was already provided to one member of the land loser's family, the claim of the petitioner was rightly rejected by the impugned order.

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4. The learned counsel for the petitioner submitted that the land's were acquired in different Survey Numbers, which belonged to the petitioner's grandfather and as such the petitioner being the grand son of the land loser should have been given employment, in the light of the consent given by the other legal heirs.

5. In contra, the learned counsel for the respondents submitted that the scheme contemplated employment to any one member of the family of the land loser and neither the Survey Numbers nor the extent of lands were relevant, for the purpose of considering the family member for employment. The counsel further submitted that the petitioner's maternal aunt by name D.Punitha Soundri, was given employment as the daughter of deceased land loser and she worked in the second respondent company from 30.04.1984 to 03.03.1988 and as such the petitioner was not entitled to any appointment in the said category.



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6. I have heard both the learned counsels and I have perused the materials on record.

7. The admitted facts of the case are the petitioner's grandfather's lands were acquired for the purpose of setting up the first respondent company. The acquisition was sanctioned by the Government on assurance that the first respondent company would provide employment to any one member of the family of the land loser. A series of writ petitions were filed and several orders came to be passed by this Hon'ble Court, in one such order in W.A.Nos.1275 to 1277 of 2008 batch by order dated 29.09.2010, the Hon'ble Division Bench of this Court held in para 30 as follows:

" The issue regarding employment under the displaced land owners category was pending since 1981. It is in the interest of both the land owners as well as BHEL to put an end to this issue at the earliest point of time. Some how or the other the matter has been dragged for years together. Therefore it is high time that the entire issue be resolved by examining individual cases by the Screening Committee appointed by the learned Single Judge. While issuing the notification calling for applications from the displaced land



owners, the Screening Committee should make it clear that no more applications would be received in respect of acquisition made for BHEL as per G.O.Ms.No.87 dated 27.1.1981. It should be the endeavor of the Screening Committee to conclude the matter as expeditiously as possible and in any case, within a period of six months from date of receipt of a copy of this judgment. It is made clear that in case there are no immediate vacancies to accommodate these people, it would be open to the Screening Committee to prepare a list of the candidates and depending upon the vacancies they could be given employment by BHEL, of course, with reference to the qualification required for the particular post."

8. The writ petitioner filed an application before the Screening Committee, which rejected his application vide impugned order. The scheme provided for employment to any one member of the family of the land loser. In the present case, it is seen that the petitioner's aunt by name Mrs.D.Punitha Soundri, was given employment under the land loser category, as the legal heir of the land owner and she worked in the respondent company from 30.04.1984 till her death on 03.03.1988, whileso, the contention of the petitioner that he should be given employment cannot



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be countenanced.

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9. At the time of hearing the learned counsel for the petitioner submitted that, as the petitioner's maternal aunt passed away within short period of 4 years from the date of employment the petitioner could to be considered for employment.

10. I am of the view that the petitioner's contention is untenable for the simple reason that, it would be against the scheme which provides for employment to any one member of the family under the land loser category. Once employment is given to a member of the family under the said category, merely because the person died it cannot be said that the other members could be considered. If the petitioner's contention is accepted it will amount to rewriting the scheme which in my considered opinion is impermissible. I am fortified in my view by the judgment of this Court dated 29.09.2010 passed in a batch of W.A's.No.1275 to 1277 of 2008 etc.



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11. The learned counsel for the petitioner further submitted that a direction may be given to the second respondent to consider employment to any one member of the family in W.P.Nos.18429 and 16824 of 2012. I am not inclined to accept the said request for the reasons stated supra. It has to be noted, if the petitioner's request is entertained, then it may pave way to a new line of employment, which is not the object of the scheme.

For all the above reason, the writ petition is dismissed. There shall be no order as to costs.

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N.MALA, J

(dsn)

To

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(HR-RX, RMX, TDX & GAX)
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