



WEB COPY

W.P.No.32135 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.11.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.32135 of 2016
and
W.M.P.No.16963 of 2021

S.Amutha

... Petitioner

Vs.

1.The Chairman and Managing Director,
Kamarajar Port Ltd.
Kattupalli, Ennore,
Chennai – 600 120.

2.The District Collector,
Thiruvallur District,
Thiruvallur – 602 001.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representation dated 21.01.2016 and to forward the name of the petitioner to the 2nd respondent as fit person for employment, in turn the 1st respondent will provide any employment to the petitioner under rehabilitation scheme in Land Acquisition vide R.C.No.3792/2013/A3 dated 30.09.2014 on the file of 1st respondent.



For Petitioner : Mr.R.Jaganathan
For R1 : Mr.Karthik Rajan
For M/s.Menon Karthik,
Mukundan and Neelakandan
For R2 : Mr.T.K.Saravanan
Government Advocate

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to consider the petitioner's representation dated 21.01.2016 and to forward the name of the petitioner to the 2nd respondent as a fit person for employment, in turn the 1st respondent will provide any employment to the petitioner under rehabilitation scheme in Land Acquisition vide R.C.No.3792/2013/A3 dated 30.09.2014 on the file of 1st respondent.

2. The grievance of the writ petitioner is that she was not appointed under the priority category of land losers. It is not in dispute that the land which belonged to the family of the writ petitioner had been acquired by the respondents for establishing Railway siding project for North Chennai Power Station.



3. The learned counsel for the 1st respondent and the learned counsel appearing on behalf of the 2nd respondent brought to the notice of this Court that the two brothers of the writ petitioner had already been appointed in Tamil Nadu Electricity Board (TNEB) and therefore, no other member from the same family is eligible for appointment under the priority category of land losers. In this regard, the Government policy issued in G.O.Ms.No.656, Labour and Employment dated 29.06.1978 stipulates that *“All Public Sector undertakings may recruit without reference to Employment Exchange, at least one member of each family which is displaced on account of acquisition of lands for any projects of such Public Sector undertakings etc., provided that the acquired land should have been the only or major source of sustenance for that family”*.

4. Considering the Government order, two brothers of the writ petitioner were appointed in Public Sector undertakings, though only one member is eligible, already two members secured appointment based on the Government order and therefore, the petitioner is not entitled to secure appointment under the priority category of land losers. That apart, the representation submitted by the writ petitioner had already been considered



and rejected by the District Collector in proceedings dated 14.09.2022. This being the factum, no further consideration is required.

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5. Accordingly, the Writ Petition stands dismissed. No costs.

Consequently, connected Miscellaneous petition is closed.

29.11.2022

Jeni
Index : Yes
Speaking order

To

1.The Chairman and Managing Director,
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2.The District Collector,
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S.M.SUBRAMANIAM, J.

Jeni

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