



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.02.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 17544 of 2019

and

W.M.P. Nos. 17027 and 33399 of 2019

Tamil Nadu Generation and Distribution Corporation Limited,
Represented by its Superintending Engineer (Civil Maintenance),
North Chennai Thermal Power Station,
Chennai - 600 120. ... Petitioner

-vs-

1. The District Collector,
Tiruvallore District.

2. The Tahsildar,
Ponneri.

3. V.Prabhakaran ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records of the First Respondent in proceeding RC.No. 26324/2016/F3 and quash the order dated 15.03.2017.

For Petitioner : Mr. Anand Gopalan
for M/s. T.S.Gopalan & Co.,
Standing Counsel

For Respondents : Mrs. C.Sangamithirai,
Special Government Pleader
(for R1 & R2)

Mr. V.Prakash, Senior Counsel
for Mr. K.Krishnamoorthy (for R3)

O R D E R

Heard Mr. Anand Gopalan, Learned Standing Counsel appearing for the Petitioner, Mrs. C.Sangamithirai, Learned Special Government Pleader appearing for the First and Second



Respondents and Mr. V.Prakash, Learned Senior Counsel appearing for the Third Respondent and perused the materials placed on record, apart from the pleadings of the parties.

2. The Government of Tamil Nadu had acquired lands in the year 1989 for setting up North Chennai Thermal Power Station, which is now under the control of the Petitioner, viz., Tamil Nadu Generation and Distribution Corporation Limited, and G.O. Ms. No. 656, Labour and Employment Department, dated 29.06.1978 had been issued in which all public sector undertakings had been directed to 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 undertaking, if the land acquired had been primary or major source of sustenance for that family. According to the Petitioner, in furtherance to the said Governmental Order, it had by proceedings in B.P. Per (FB) No. 3 dated 25.01.1990 formed a scheme and applications were called from eligible persons, whose lands have been acquired for North Chennai Thermal Power Station and those who were identified for that benefit had been provided employment at that point of time. Long thereafter, the Third Respondent, who had made an application seeking appointment in the services of the Petitioner under the scheme, had filed the Writ Petition in W.P. No. 34638 of 2016 in this Court in that regard, where the following order had been passed:-

"7. Considering the submissions made on either side, this Court is constrained to pass the following order:-

The petitioners are directed to approach the District Collector, Thiruvallur, the third respondent herein, with relevant records to identify them so as to get benefits under the Scheme, within four weeks from the date of receipt of a copy of this order. The District Collector, Thiruvallur, the third respondent herein, is directed to consider the claim of the petitioners and to forward his report as to whether the petitioners herein are beneficiaries under the said scheme or not, to the first respondent-Board within a period of 8 weeks thereafter. The first respondent-Board is directed to act upon the report to be provided by the District Collector, as per the Board Proceedings B.P.Per(FB).No.3 Administrative Branch dated 25.01.1990 thereafter."

In that backdrop, the First Respondent in Proceedings in RC No.



26324/ 2016/F3 dated 15.03.2017 had held as follows:-

" In view of the above, it is recommended that Mr. R.Prabhakaran, S/o. Raj aged 18 years be given employment assistance in Tamil Nadu Electricity Board in lieu of acquired land in accordance with G.O. Ms. No. 656 dated 29.06.1978 and Tamil Nadu Electricity Board letter No. B.P. Per (FB) No. 3 dated 25.01.1990. Enquiry reports of Sub Collector, Ponneri, Tahsildar, Ponner and Petitioner's statement are enclosed for your reference."

The Petitioner has challenged the said order passed by the Third Respondent in this Writ Petition.

3. Learned Counsel for the Petitioner submitted that the necessity to file this Writ Petition arose on account of the contempt proceedings in C.P. No. 546 of 2019 initiated by the Third Respondent against the concerned officials of the Petitioner for not granting employment to him.

4. It is apparent that the order passed by the First Respondent is recommendatory in nature and the entitlement of the Third Respondent for appointment in the service of the Petitioner would depend upon the satisfaction of all other conditions prescribed for the same. If the Petitioner is of the view that the First Respondent ought not to have held that the Third Respondent is not entitled to benefit of the appointment of the Petitioner in its service, it would have to explained the reasons for arriving at such conclusion in appropriate proceedings following the prescribed procedure. As such, the question of interfering with the impugned order at this premature stage by way of this Writ Petition does not arise. In other words, if any decision is taken by the Petitioner adverse to the interests of the Third Respondent, he is not precluded from impeaching the same in the manner recognized by law and no views are expressed by this Court in that regard.

In fine, the Writ Petition is disposed with the aforesaid observations. Consequently, the connected Miscellaneous Petitions are closed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

vjt



To

1. The District Collector,
Tiruvallore District.

2. The Tahsildar,
Ponneri.

+lcc to Mr.Krishnamoorthy, Advocate, S.R.No.10615
+lcc to M/s.T.S.Gopalan & Co, Advocate, S.R.No.10602
+lcc to the Government Pleader, S.R.No.11552

W.P. No. 17544 of 2019

RK(CO)
SB(16/06/2022)