

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.06.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.NO.13557 OF 2014

AND

M.P.NO.1 OF 2014

V.Selvaraj

... Petitioner

.Vs.

1. The Secretary,
Department of Employment and Labour,
Secretariat, St. George Fort,
Chennai - 600 009.
2. The District Collector,
O/o.the District Collector,
Villupuram District.
3. The Special Tahsildar,
(Adi Dravidar Welfare Department),
Gingee Taluk, Villupuram District.
4. The District Employment Officer,
Employment Exchange Office,
Villupuram District.

... Respondents

PRAYER:-

This Writ Petition is filed under Article 226 of the Constitution of India praying for an issuance of a Writ of Certiorarified Mandamus call for the records relating to the impugned order in AThiMu/A3/221/13 dated 07.01.2013 passed by the 4th respondent quash the same and directing the 4th respondent for the first priority to the petitioner for his appointment to a suitable post as per his educational qualification by the 4th respondent for filling up of vacant post available in the Villupuram district based upon the petitioner's representation dated 11.02.2014

For Petitioner : Mr.M.Manikandhan

For Respondents : Mr.S.Prabhakaran
Government Advocate

O R D E R

The writ petition has been filed questioning the validity of the order impugned dated 07.01.2013, passed by the fourth respondent, rejecting the claim of the writ petitioner to provide appointment under the priority category of land losers.

2. The petitioner states that he has completed B.Sc degree in Physics and B.Ed. He registered his qualification in the fourth respondent District Employment Exchange. The grievance of the writ petitioner is that the land belonging to his elder brother Mr.V.Umapathy was acquired by the Government for public purposes more specifically for construction of Adi-Dravidar Welfare Hostel. Therefore, the petitioner is entitled for appointment under the priority category of land losers.

3. The learned Government Advocate appearing on behalf of the respondents relying on the counter affidavit filed by the respondents made a submission that the land belonging to the brother of the writ petitioner Mr.V.Umapathy was acquired and the said V.Umapathy made a representation with a request to accord land acquisition priority to his brother, namely, the writ petitioner. Based on the representation, the authorities have informed that the brother of the land loser is not eligible for appointment under the land losers priority. The said factum was stated in para 6 of the counter affidavit which reads as follows:

6. As regards to the averments made in the grounds of the affidavit, it is submitted that, as per the instructions of the Government in Letter No.4920/B1/87-3, Employment Services Department dated 29.02.1988, which was issued as clarification to G.O.Ms.No.188, Personnel and Administrative Reforms Department dated 20.12.1976 (Copy enclosed), it was clearly clarified that Land Acquisition Priority can be availed only by the person whose land has been acquired or by the member of the family of that person (family defined in the usual sense, Self, Husband, Wife, Unmarried Children), It is submitted that in this particular case the petitioner's land was not acquired and he was not a member of the family of the person, whose land was acquired. Therefore it is submitted that the petitioner is not at all eligible for land acquisition priority.

4. The Government has rejected the claim of the writ petitioner for appointment under the priority category of land losers, mainly, on the ground that the land for public purposes was acquired from the elder brother of the writ petitioner and therefore, the petitioner cannot be construed as family member as defined for the purpose of providing priority under the scheme in G.O.Ms.No.188. This being the factum, the petitioner has not established any right for the purpose of providing appointment under the priority category of land loser and therefore, the writ petition is devoid of merits and the same stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

sms/sli

To

1. The Secretary,
Department of Employment and Labour,
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+1cc to the Government Pleader, S.R.No.35513

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GSM(CO)
PBS/12/07/2022