



W.P.No.21912 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.21912 of 2012

1.A.Subramaniam

2.S.Bharathi

... Petitioners

Vs.

1.The Government of Tamilnadu,
Rep. by its Secretary,
Industries Department,
Fort St.George, Chennai 600 009

2.The Unit Head,
Bharat Heavy Electricals Ltd.,
BHEL/BAP, Ranipet,
Vellore District

3.The Collector,
Vellore District, Vellore

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing respondents to give permanent employment to the second petitioner in terms of the directions issued by this Court in WP.No.4113 of 1998 etc. in S.Lakshmi Prabha Vs. The Government of Tamilnadu and others dated 13.05.2008 in the second respondent Plant in any suitable vacancy under landloser's sufferer's category within a time frame.



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For Petitioners : M/s.K.Bharathi

For Respondents

For R1 & 3 : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For R2 : Mr.John Zachariah
for M/s.Fox Mandel Associates

ORDER

This writ petition has been filed for direction to the respondents to give permanent employment to the second petitioner in terms of the directions issued by this Court in WP.No.4113 of 1998 etc. in S.Lakshmi Prabha Vs. The Government of Tamilnadu and others dated 13.05.2008 in the second respondent Plant in any suitable vacancy under landloser's sufferer's category.

2. Heard, the learned counsel appearing on either side.

3. The case of the petitioners is that for starting Bharat Heavy Electricals Ltd., a project called 'Boiler Auxiliaries Plant' at Ranipet, vast extent of lands owned by several private individuals were acquired around the year 1980. At the time of acquisition, they were promised that



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their one of the family members would be given employment in the said project. The petitioners' land was also acquired. In this regard, a notification was issued by the Screening Committee, which was constituted based on the direction issued by this Court, informing the land losers like the petitioners to appear with necessary records for employment. However, the petitioners failed to appear before the Screening Committee. Though the petitioners appeared before the District Collector later, they were denied employment. Hence, they have filed this writ petition.

4. On perusal of counter filed by the second respondent revealed that a similar writ petition was filed by one, A.Sandhiya in WP.No.15180 of 2012 against the respondents seeking employment in the third respondent company even though she failed to submit her application to the Screening Committee as directed by the Hon'ble Division Bench of this Court. However, the writ petition was dismissed on 16.08.2012 observing as follows:

"In my considered opinion, it cannot be a ground to direct the respondents to consider the application



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which was submitted far beyond the period fixed for the receipt of the applications as directed by the Division Bench of this Court. In my considered opinion, if any such application submitted beyond 23.09.2011 is considered by the "Respondent, then it would only open the flood date. Further, it may be taken as violation of the orders passed by the Division Bench. Thus, I do not find any infirmity in the order of the " Respondent rejecting the claim of the petitioner."

5. Even in the appeal filed by the said petitioner in WA.No.2330 of 2012 the Hon'ble Division Bench of this Court by order dated 26.11.2012, confirmed the order of the Single Judge and dismissed the Writ Appeal. Thereafter, the said petitioner filed SLP (C) No. 9054/2013 and the same was also dismissed by the Hon'ble Supreme Court of India on 05.08.2013.

6. Therefore, having failed to apply to the Screening Committee on time, the petitioners are disentitled from seeking any employment. As such, this writ petition is liable to be dismissed.



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7. Accordingly, this writ petition is dismissed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

1. Secretary,
The Government of Tamilnadu,
Industries Department,
Fort St.George, Chennai 600 009
2. The Unit Head,
Bharat Heavy Electricals Ltd.,
BHEL/BAP, Ranipet,
Vellore District
3. The Collector,
Vellore District, Vellore
4. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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