



W.P.No.19971 of 2023

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.07.2023

CORAM

THE HON'BLE MR.JUSTICE N.SATHISH KUMAR

W.P.No.19971 of 2023

N.Rajamani

.. Petitioner

Vs.

1.The District Collector,
Tiruppur District,
Tiruppur.

2.The District Employment Officer,
Tiruppur District.

.. Respondents

Prayer: Writ Petition under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus calling for the records of order in Na.Ka.No.A1/5436/2022 dated 30.01.2023 passed by the 1st respondent herein and quash the same and consequently direct the 1st respondent to employment to the petitioner's son named R.Nallasivam as a driver under priority scheme within a stipulated time.



W.P.No.19971 of 2023

WEB COPY

For the Petitioner : Mr.N.Ponraj

For the Respondents : Mr.P.Baladhandayutham
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 30.1.2023 in Na.Ka.No.A1/5436/2022 passed by the first respondent and for consequential relief.

2. Mr.P.Baladhandayutham, learned Special Government Pleader takes notice for the respondents.

3. The grievance of the writ petitioner is that the petitioner's agricultural land to an extent of 7.50 acres at S.F.Nos.712/2, 712/3, 713/3, 714/1, 714/1B in Ponnivadi Village, Dharapuram Taluk has been acquired by the Government of Tamil Nadu for construction of a Check Dam viz., Nalla Thangal Dam. At the time of acquisition, the Government of



W.P.No.19971 of 2023

Tamil Nadu had assured employment to one of the family members of the owners, whose lands have been acquired and also issued priority certificates. The petitioner also obtained priority certificate and the same was registered with the second respondent on 22.7.2020. Subsequently, the petitioner gave a representation dated 27.07.2020, requesting the first respondent to provide employment to his son based on the priority certificate. However, the impugned order has been passed holding that G.O.Ms.No.656 Labour and Employment Department, dated 29.6.1978 is applicable only in respect of acquisition made by the Public Sector undertakings and not for construction of the present Dam. Challenging the same, the present writ petition has been filed.

4. The learned counsel for the petitioner submitted that G.O.Ms.No.188, Personnel and Administrative Reforms, dated 28.12.1976 makes it clear that the members of families whose lands have been acquired for Government purposes as well as for the projects of the Public Sector undertakings will be given priority in employment. However, the impugned



W.P.No.19971 of 2023

WEB COPY

order has been passed as if the Government Order is applicable only for the lands which have been acquired for the purpose of Public Sector undertakings, therefore, the impugned order itself is not proper. Hence, the petitioner seeks for a direction to set aside the impugned order and also prays for a direction for suitable appointment to the petitioner's son.

5. The learned counsel for the respondents submitted that G.O.Ms.No.656 Labour and Employment Department, dated 29.6.1978 is applicable only to Public Sector undertakings and not in respect of the lands acquired for Government purposes.

6. It is not in dispute that the respondents have already issued priority certificate to the petitioner. The factum of acquisition is also not in dispute. Now, the impugned order has been passed pursuant to the order of this Court in W.P.No.30888 of 2022 dated 14.11.2022, wherein, this Court directed the first respondent to consider the representation of the petitioner and pass final orders on merits and in accordance with law.



W.P.No.19971 of 2023

WEB COPY

7. It is relevant to note that the impugned order has been passed rejecting the claim of the petitioner mainly on the ground that the Government Order is applicable only for the lands which have been acquired for the purpose of Public Sector undertakings and not in respect of other Government purposes. The very such finding given by the first respondent is not proper. In fact G.O.Ms.No.656 Labour and Employment Department, dated 29.6.1978 relates to Public Sector undertakings. G.O.Ms.No.188 Personnel and Administrative Reforms dated 28.12.1976 has not been considered by the first respondent, wherein it is made clear that the members of the family whose lands have been acquired for Government purpose should be given a priority. The very acquisition is for the purpose of construction of Check Dam by the Government, which is for public purpose. The findings of the first respondent that the Government Order is not applicable to the petitioner is not proper.

8. In the light of the above facts and circumstances, the order impugned in this writ petition has to be set aside, however, a direction to



W.P.No.19971 of 2023

WEB COPY

the first respondent to provide employment cannot be granted. It is for the petitioner to apply in the vacancy arise which may under the various Departments based on the priority certificate. Without identifying any vacancy, applying for employment is not proper and he cannot seek such a direction to the first respondent District Collector to appoint him in any post. Therefore, it is for the petitioner to find out the vacancy post arise under various Departments according to his qualifications, then he can seek appointment on basis of the Government Order referred to particularly in G.O.Ms.No.188 Personnel and Administrative Reforms, dated 28.12.1976.

9. Accordingly, this writ petition is allowed by setting aside the impugned order dated 30.01.2023 in Na.Ka.No.A1/5436/2022 passed by the first respondent. There shall be no order as to costs.

06.07.2023

Index : Yes/No
Neutral Citation : Yes/No
Speaking Order/Non-Speaking Order
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Page 6 of 8



WEB COPY



W.P.No.19971 of 2023

To

- 1.The District Collector,
Tiruppur District,
Tiruppur.
- 2.The District Employment Officer,
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WEB COPY



W.P.No.19971 of 2023

N.SATHISH KUMAR, J.

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W.P.No.19971 of 2023

06.07.2023