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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.20394 of 2012
and
M.P.No.2 of 2012

M.Karthikeyan ...Petitioner

-Vs-

1.Bharat Heavy Electricals Limited,
(A Govt. of India Undertaking)
Boiler Auxiliaries Plantation
Rep. by its Manager - HR
(HR-RX RMX TDX & GAX)
Ranipet – 632 406.

2.The District Collector,
Vellore,
Vellore District.

3.The Convenor and District Revenue Officer,
Screening Committee,
Collectorate,
Vellore District. ...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of a direction in the nature of Writ of Certiorarified Mandamus calling for the records of the 3rd respondent pertaining to his

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order dated 26.06.2012 vide Ref.Na.Ka.G3/26505/2008 and quash the same and direct the 3rd respondent to consider the petitioner for employment in BHEL for a suitable job and pass such further orders.

For Petitioner	:	Mr.R.Sreedhar
For R1	:	Mr.John Zachariah for M/s.Fox Mandal & Associates
For R2 & R3	:	Mr.M.Rajendiran Additional Government Pleader

O R D E R

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the 3rd respondent (screening committee) vide Ref.Na.Ka.G3/26505/2008 dated 26.06.2012 and to direct the 3rd respondent to consider the petitioner for employment in BHEL for a suitable job.

2. The case of the petitioner is that he has completed his B.E.Graduation in Production Engineering at Karunya Institute of Technology in Coimbatore which is affiliated with Anna University and also pursued his post-graduation in Computer Aided Design at Sathyabama University during April 2010 and was placed in First Class.

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3. Learned counsel for the petitioner submitted that the land belonged to his maternal grandmother, viz., Kanthammal to an extent of 0.06.0 Hectares in S.No.151/6 has been acquired for the purpose of setting up a Boiler Auxiliaries Plant by the 1st respondent during the year 1981 and an award has also been passed to that effect.

4. Learned counsel further submitted that a scheme was formed to give job opportunities to the displaced land owners or to their family members and one person is entitled for a piece of land owned by him or his family. Similarly displaced landowners were given suitable jobs in the first respondent's industry and no job was claimed on behalf of his maternal grandmother except by him. His mother, Smt.Malleeswari and the late Smt.Naveneetham @ Gowri are the daughters of his grandmother and his aunt, i.e., his mother's sister late Smt.Naveneetham @ Gowri had expired long back. The petitioner, his elder sister and his elder brother are the only persons legally entitled for the said job. They have represented the 1st respondent to give a suitable job on 17.01.2007 and 18.02.2011 and have approached the respondents on various instances regarding his job but ended in vain.

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5. Learned counsel further submitted that he has filed a writ petition in W.P.Nos.25648, 15596 of 2008 and 5852 of 2009 before this Court seeking for a direction to issue a Writ of Mandamus directing the 1st respondent to consider his representation in the light of the directions issued by this Court in a batch of writ petitions in W.P.Nos.4113 of 1998 etc., on 13.05.2008. This Court by order dated 07.03.2011 in W.P.Nos.25648, 15596 of 2008 and 5852 of 2009, directed the Screening Committee to issue notice to the petitioners and consider their claims on merits and as per law.

6. Learned counsel further submitted that in the light of the above order passed in W.P.Nos.25648, 15596 of 2008 and 5852 of 2009, he was called for the interview on 16.11.2011 at 11 a.m. by the 3rd respondent and he has also appeared before the Screening Committee and produced all the necessary documents to consider for his job. To his shock, the 3rd respondent herein, by its intimation letter dated 09.12.2011 vide reference No.Rc.G3/42154/2011 rejected his claim without assigning any valid reason. Thereafter, the petitioner made a representation to the respondents herein to consider him for a suitable job and also requested to review his rejection order.

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7. Learned counsel further submitted that the 3rd respondent had sent a letter dated 26.06.2012 vide Ref.Na.Ka.G3/26505/2008 stating the reason for not giving employment to the petitioner is that his father was given employment on the land of his maternal grandmother i.e., Kanthammal, but his father was given employment on his own land and his father's land comprised in S.No.131/6 was acquired for the purpose of establishing a Boiler Auxiliaries Project and an award has also been passed in Award No.4/82 and Rc.L.A.8/80 (II) and his father was given an amount of Rs.839.05 as compensation for the land to an extent of 0.06.0 Hectares. On 18.07.2012, the petitioner's father sent a representation to the respondents herein and clarified the same.

8. Learned counsel further submitted that the 3rd respondent failed to consider the petitioner for a suitable job by taking into consideration his educational qualification since he has completed post-graduation in Engineering and failed to consider that no job was claimed by anybody for the land given by his maternal grandmother. Aggrieved by the 3rd respondent's order, the petitioner has approached this Court by way of filing the present writ petition.

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9. Learned counsel appearing for the 1st respondent BHEL submitted that the petitioner is seeking a job for the land owned by his maternal grandmother viz., Kanthammal and the job shall be given by the 1st respondent to only one member of the family for the lands acquired and it is not possible to provide job for more than one whether the property belongs to the petitioner's father, grandfather or grandmother.

10. Learned counsel for the 1st respondent BHEL also placed reliance on the order passed by the learned Single Judge of this Court in a batch of writ petitions in ***W.P.Nos.13711 to 13781 of 2012*** dated 3***1.08.2023, S.Lakshmi Prabha and Others Vs. The Government of Tamil Nadu, Industries Department, Fort St. George, Chennai-9***, wherein the Screening Committee, after due enquiry, rejected the claim of the petitioner as employment in respect of the lands were already provided to the members of the family and it is not possible to give employment to more than one member of the family and the 1st respondent BHEL has duly complied with the Government Orders and it is held as follows:

> **"***The petitioner had submitted an application to the screening committee claiming employment for the lands bearing Survey No.124/20, 124/12. 124/13, 124/15, 124/15, 124/7, 124/9, 126/7, 126/8, 126/9, 126/10, 126/11. 126/12 and 126/13 Mukundarayapuram Village under Award*

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No.5/82. Based on the application submitted, the petitioner was called to appear before the screening committee on 17.11.2011. It is denied that the petitioner appeared before the screening committee on 16.11.2011. The petitioner appeared before the screening committee on 17.11.2011. After due enquiry, the screening committee rejected the claim of the petitioner as employment in respect of the said lands was already provided to Mr.LV Mani (staff No.4165101), son of the land awardee Mr.Venkatasami Reddy in the 2nd respondent Company at Ranipet Mr.LV Mani (staff No.4165101) has been in the employment of the 2nd respondent Company since 26.04.1985. The petitioner is the daughter-in-law of the land awardee and wife of Mr.LV Sekar, another son of the land awardee."

11. Heard both sides and perused the materials available on record.

12. It is an admitted fact that the 3rd respondent had sent a letter dated 26.06.2012 vide Ref.Na.Ka.G3/26505/2008 stating the reason for not giving employment to the petitioner is that his father was given employment on the land of his maternal grandmother i.e., Kanthammal in S.No.131/6 which was acquired for the purpose of establishing a Boiler Auxiliaries Project and an award has also been passed in Award No.4/82 and Rc.L.A.8/80 (II) and his father was given an amount of Rs.839.05 as compensation for the land to an extent of 0.06.0 Hectares.

13. It is pertinent to note that the petitioner is seeking a job for the

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land owned by his maternal grandmother viz., Kanthammal and the job shall be given by the 1st respondent to only one member of the family for the lands acquired and it is not possible to provide job for more than one whether the property belongs to the petitioner's father, grandfather or grandmother and in the instant case the employment was given to Mr.A.Mohanam, father of the petitioner, hence the petitioner is not entitled for employment and the 3rd respondent has rightly rejected the case of the petitioner.

14. **In view of the above factual matrix of the case and the ratio laid down by the learned Single Judge of this Court in a batch of writ petitions in *W.P.Nos.13711 to 13781 of 2012 dated 31.08.2023*, the order passed by the 3rd respondent vide Ref.Na.Ka.G3/26505/2008 dated 26.06.2012 does not warrant any interference from this Court and the same is hereby confirmed.**

In the result, the **writ petition stands dismissed**. No costs. Consequently, connected miscellaneous petition is closed.

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cda

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Index : Yes/No
Speaking/Non-Speaking Order

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