



W.P.No.22141 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

W.P.No.22141 of 2012

Kanchana

...Petitioner

-Vs-

1.The Government of Tamilnadu,
Industries Department,
Fort St.George,
Chennai – 600 009.

2.The General Manager,
BHEL/BA7, Ranipet,
Vellore District.

3.The Collector,
Vellore,
Vellore District.

4.Convener and District Revenue Officer,
Screening Committee,
Vellore District,
Vellore.

5.Revenue Divisional Officer,
Ranipet,
Vellore District.

...Respondents



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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 call for the records pertaining to the proceedings in No.in Rc.G3/42171/2011 dated 09.12.2011 passed by the 4th respondent and to quash the same and consequently direct the 5th respondent to appoint the petitioner for any other suitable post in BHEL for which the interview was called for and to pass such orders.

For Petitioner : Mr.V.P.Rajendran

For R1, R3 to R5 : Mr.M.Rajendiran
Additional Government Pleader

For R2 : Mr.John Zakkiriah
for M/s.Fox Mandal & Associates

ORDER

This writ petition is filed for issuance of a Writ of Certiorarified Mandamus to quash the order passed by the 4th respondent vide proceedings in No.in Rc.G3/42171/2011 dated 09.12.2011 and consequently direct the 5th respondent to appoint the petitioner for any other suitable post in BHEL for which the interview was called for.

2. The case of the petitioner is that in order to establish Boiler Auxiliary Plant at Ranipet, respondents 1 and 2 acquired 1389 acres of land



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in and around the villages of Narasinghapuram, Mukundarayapuram, Sikkarajapuram and Vadakkal in Ranipet Taluk, Vellore District in 1980 vide G.O.Ms.No.1218 dated 26.08.1980. Respondents 1 and 2 acquired the above lands in and by G.O.Ms.No.87 dated 27.01.1981. In this G.O, the Government had promised job guarantee to at least one member from each family of the land losers under the above project.

3. Learned counsel for the petitioner submitted that in the matter of recruitment in the Boiler Auxiliaries Plant, preference should be given to the land owners who will be deprived of their wet lands on account of acquisition for the project and in the case of land owners who will be completely deprived of their extent of land, one member form each family of such displaced land owners should be given employment in the project. The allotment of land with the condition laid in G.O.Ms.No.87 dated 27.01.1981 was accepted and lands were taken over by the BHEL.

4. Learned counsel further submitted that there were no positive steps was taken by BHEL, several writ petitions were filed to enforce the undertaking on conditions precedent to acquisition and several agitations



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were taken by the land owners. Respondents 1 and 2 have acquired the lands from various petitioners after losing their livelihood and as a condition for the acquisition, they have sought employment. The respondents have simply rejected their claim as if they appeared to have interest in particular post. The respondents company sent a call letter only after 10 years i.e., in the year 2006 and on the direction of this Court.

5. It is the submission of the learned counsel for the petitioner that the lands belonged to his mother, Kamatchiammal and she was paid compensation as per the award proceedings made in R.C.A.Award No.2/81 dated 30.12.1981. The petitioner's mother Kamatchiammal was enjoying the acquired property at the time of the above said land acquisition. No one was provided employment as against the award passed by the 2nd respondent in favour of her mother since the petitioner's family is fully dependent on the agricultural work.

6. Learned counsel further submitted that the petitioner submitted her application to the 3rd respondent on 03.04.2008. On receipt of the application, the 3rd respondent forwarded the same to the 2nd respondent vide



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letter dated 27.05.2008. But till date, the petitioner has neither been appointed nor called for interview.

7. This Court by order dated 13.05.2008 made in W.P.No.25480 of 2008 & others (Batch) directed the 3rd respondent to notify the constitution of the screening committee and also to give adequate publicity to the land losers to appear before the committee with necessary records. And it was also observed in the above order that the committee shall examine the claims of the applicants within a period of three months and also ask the 3rd respondent to recommend the BHEL for the grant of suitable appointments to the eligible land losers. Aggrieved by the order, the appeal was preferred.

8. Learned counsel further submitted that the convener and District Revenue Officer, Vellore-9, sent the interview call letters in R.C.No.G3/26505/2008 dated 02.11.2011 to all applicants and the petitioner also attended the screening committee on 16.11.2011 but the screening committee rejected the claim of the petitioner and sent the intimation letter on 09.12.2011 in G3/42171/2011 without assigning any proper reason. Aggrieved by the 4th respondent vide proceedings in No.Rc.G3/42171/2011



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dated 09.12.2011, the petitioner has come forward with the present writ petition.

9. Learned counsel for the 2nd respondent submitted that the order challenged in the writ petition was passed by the 4th respondent which is not existing as on date and the same has become *functus officio*.

10. Learned counsel for the 2nd respondent also placed reliance on the order passed by this Court in ***W.P.No.25973 of 2012*** dated ***10.10.2012***, ***S.Baranidharan Vs. Bharat Heavy Electricals Limited (A Government of India Undertaking), Boiler Auxiliaries Plant, Rep by the Manager- HR, (HR-RX, RMX, TDX and GAX), Ranipet 632 406***, in which it is held as follows:

“At the same time, if the petitioner establishes his ownership before the Civil Court, thereafter, he will be at liberty to approach the respondents and in such an event, the 1st respondent shall provide employment to him under the scheme.”

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



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12. In view of the above factual matrix of the case and the ratio laid down by this Court in *W.P.No.25973 of 2012* dated 10.10.2012, *S.Baranidharan Vs. Bharat Heavy Electricals Limited (A Government of India Undertaking), Boiler Auxiliaries Plant, Rep by the Manager- HR, (HR-RX, RMX, TDX and GAX), Ranipet 632 406*, this Court is of the considered view that the 2nd respondent shall consider the case of the petitioner on merits and as per the rules and regulations of the 2nd respondent.

In the result, the writ petition stands disposed of with the above observation and direction. No cost.

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cda

Index : Yes/No

Speaking/Non Speaking Order

To

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BHEL/BA7, Ranipet,
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cda

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