



W.P.Nos.24678 and 24679 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders Reserved on : 19.02.2024

Orders Pronounced on : 19.06.2024

Coram:

THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.P.Nos.24678 and 24679 of 2018
and

W.M.P.Nos.28710 and 28711 of 2018

--

N.Moorthy

.. Petitioner in W.P.No.24678 of 2018

1. K.Ramamoorthy (deceased)
2. R.Kalavathy
3 R.Sarathiguha
4. R.Sathiyaguha
5. R.Rajavaramban
6. R.Arutkuvaiyal
(Petitioners 2 to 6 are substituted as
LRs. of deceased first petitioner,
as per order dated 31.01.2024 in
W.M.P.No.15457 of 2022 in
W.P.No.24679 of 2018)

.. Petitioners in W.P.No.24679 of 2018

Vs.

1. NLC India Limited,
Rep. by its Chairman and Managing Director,
(formerly Neyveli Lignite Corporation Limited),
Corporate Office, Block-1,
Neyveli-607 801.

2. The Special Deputy Collector,

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Land Acquisition,
Neyveli.

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3. The Special Tahsildar/Land Acquisition Officer,
Neyveli-2.

4. The District Collector,
Cuddalore District,
Cuddalore.

5. The General Manager,
Land Acquisition, LA-R & R (Dept),
Neyveli-7.

.. Respondents in both the Writ Petitions

Writ Petition No.24678 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the fifth respondent in connection with the order passed by him in Lr.no.W.P.No.14169 of 2014/GM/LA-R & R/2017, dated 23.08.2017 and quash the samee and direct the responents to act upon the recommendation made by the Special Deputy Collector (Land Acquisition), Neyveli-2 in his Proc.Na.Ka.T.206/2012, dated 03.04.2012 and to provide employment to the petitioner's son, namely M.Sivaprakash, in any of the existing or immediate future vacancies.

Writ Petition No.24679 of 2018 filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the fifth respondent in connection with the order passed by him in Lr.no.W.P.No.14253 of 2014/GM/LA-R & R/2017, dated 14.08.2017 and quash the samee and direct the responents to act upon the recommendation made by the Special Deputy Collector (Land Acquisition), Neyveli-2 in his Proc.Na.K.Dis(D).3665/99, dated 06.12.1999 and to provide employment to the

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petitioner's son, namely R.Rajavaramban, in any of the existing or immediate future vacancies.

For petitioners in both petitions : Mr.V.S.Jagadeesan

For respondents in both petitions : Mr.N.Nithiyanandam for RR-1 and 5

Mr.T.Arun Kumar, Addl.G.P. for RR-2 to 4

COMMON ORDER

Writ Petition No.24678 of 2018 is filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the fifth respondent in connection with the order passed by him in Lr.no.W.P.No.14169 of 2014/GM/LA-R & R/2017, dated 23.08.2017 and quash the same and direct the respondents to act upon the recommendation made by the Special Deputy Collector (Land Acquisition), Neyveli-2 in his Proc.Na.Ka.T.206/2012, dated 03.04.2012 and to provide employment to the petitioner's son, namely M.Sivaprakash, in any of the existing or immediate future vacancies.

2. Writ Petition No.24679 of 2018 is filed praying for issuance of a Writ of Certiorarified Mandamus to call for the records on the file of the fifth respondent in connection with the order passed by him in Lr.no.W.P.No.14253 of 2014/GM/LA-R & R/2017, dated 14.08.2017 and quash the samee and direct the respondents to act upon the recommendation made by the Special Deputy Collector (Land Acquisition), Neyveli-2 in his Proc.Na.K.Dis(D).3665/99, dated

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06.124.1999 and to provide employment to the petitioner's son, namely R.Rajavaramban, in any of the existing or immediate future vacancies.

3. The petitioner in W.P.No.24678 of 2018 in his affidavit, stated as follows:

(a) The petitioner's lands with the residential house of an extent of 9 cents (5 cents house and 4 cents vacant place) at Aziz Nagar had been acquired for Mine-II and its expansion by the Neyveli Lignite Corporation Limited (NLC) during the year 1984. Apart from this, nearly 1-1/2 acres of agricultural lands were also acquired by the NLC as per the Award No.4 of 84 and 3 of 85 in War No.4 and a meagre amount was paid towards compensation. The petitioner belonged to the Schedule Caste community and ex-criminals who had been settled in Aziz Nagar in the year 1913 and they were there over 70 years till those lands were acquired by the NLC. As the petitioner's lands were acquired by the NLC and the petitioner was made to dislocate from the place where they were residing all these years and in the new place, they have been seen as aliens by others. In view of the social stigma stuck to the petitioner's community, people in the place were reluctant to accept the petitioner and others and to provide even some menial jobs. As their agricultural lands were also acquired by the NLC, not only the petitioner has to find a new shelter, but also it had taken away their basic job, atleast to earn a little from the land. The amount paid as compensation was not enough for them to maintain a decent life. Even to

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maintain the basic needs in the family in the new area, had become a questionable one and they felt as if they are moving to their early period of life.

It is a dangerous situation and the circumstances warranted the interference by the Government. Hence, considering the welfare of their community people, the Government of Tamil Nadu came forward for rehabilitation of families displaced by acquisition of lands in Aziz Nagar for the NLC.

(b) A meeting was held on 18.11.1993 by the Commissioner and Secretary to Government, Industries Department, with regard to the rehabilitation of families displaced consequent on acquisition of lands in Aziz Nagar for the NLC. In the said meeting, the Chairman of the NLC assured that employment would be given wherever possible and that they would call for interview as and when vacancies arise and recruit the qualified persons. The NLC adhered to the said commitment of its Chairman to provide atleast one job to one family all these years. However, leaving a handful of families for the reasons best known to NLC management, the NLC provided job to almost all the families whose lands were acquired by the NLC. No doubt, this had helped them to tide over the situation. The NLC should have kept its promises alive and should have provided job atleast to one person in a family. Had the lands not been acquired, the economic status of the displaced families would have improved.

(c) As soon as the petitioner's lands were acquired by the NLC, it was a



rat-race among the petitioner and others in finding the jobs. The petitioner and other were under the impression that NLC would honour its promise ever, as far as they are concerned and they could avail a job at the appropriate time. Therefore, in the year 1999, as soon as the petitioner's daughter passed 12th Standard, the petitioner applied for a job to her for Award No.4 of 1984 and 3 of 1985 in Ward No.4. The request seeking employment to the petitioner's daughter, was also recommended by the Special Deputy Collector (Land Acquisition) to the Deputy General Manager (Civil/Land Acquisition), NLC, in his letter dated 04.01.2000. Though the said recommendation was made as early as in 2000, no appointment was given to his daughter and subsequently, his daughter got married and now she resides separately with her husband, however, only after some time, the NLC informed that the request seeking employment to his daughter, could not be complied with on the ground that 12th qualification acquired by his daughter was not considered as an eligible qualification for providing employment to her in NLC.

(d) The petitioner's dream of getting a job for a member in their family was shattered by the NLC temporarily, by rejecting the request to provide a job to the petitioner's daughter, the petitioner has waited till the next person in their family gets ready with suitable qualification, to get appointed in the NLC and only in the year 2010, the petitioner's son became fully qualified with B.E. (EEE) qualification. Immediately, the petitioner made a representation dated



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26.08.2010 to the District Collector, Cuddalore, the head of District Administration, seeking to recommend his son's name for appointment in the NLC. As the petitioner's request was kept in abeyance, the petitioner was forced to give another representation, dated 24.05.2011 to the Deputy Collector (Land Acquisition), Neyveli, with a request to consider the petitioner's son for appointment in the NLC based on the Award No.4 of 1984 and 3 of 1985 in Ward No.4.

(e) The NLC, having accepted to provide a job to the families from whom lands were acquired as per Award Nos.4 of 1984 and 3 of 1985 in Ward No.4, cannot go back from its promise. It cannot be construed that the NLC had accepted to provide a job only on compassionate grounds, but considering the plight of the families from whom lands were acquired, the NLC came forward to provide job only as a compensatory rehabilitation measure for displaced families. When that being the aim of the NLC in providing job atleast to one member in a family, then they have to provide a job atleast to one another in a family.

(f) Subsequent to the representations, the Special Deputy Collector (Land Acquisition) forwarded the petitioner's letter to the General Manager, Land Acquisition, Neyveli, vide letter dated 31.05.2011 with an advice to take appropriate decision. As there was no reply from the respondents, the petitioner again gave various representations and based on the same, the Special Deputy Collector (Land Acquisition) sent another letter dated 03.04.2012 with his advise.

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As nothing materialised, the petitioner gave another representation, dated 20.05.2013 to the District Collector with a request to provide a job to his son in the NLC, for which the General Manager/LA-R & R of the NLC sent a reply rejecting their request stating that the Award passed up to 30.06.1989 had already been taken up and declared as completed. Further, he stated that all the PAPs (Project Affected Persons) sponsored by the District Collector in the lists that had been provided with jobs, the petitioner is a person covered under the Award passed upto 30.06.1989 and no job was provided to any person in their family. Hence, it cannot be said that all the PAPs sponsored by the District Collector in the list had been provided with jobs. Being aggrieved by the said reply, the petitioner gave another representation dated 23.10.2013 to the District Collector, and as there was no reply from the respondents, the petitioner filed W.P.No.14169 of 2014 and the same was disposed of on 12.05.2017 directing the first respondent therein to consider the representation submitted by the petitioner on 23.10.2013 and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of the order. Following the said direction, the General Manager/LA - R & R (i/c) of the NLC had passed order in Lr.No.W.P.No.14169 of 2014/GM/LA-R & R/2017, dated 23.08.2017 rejecting the request of the petitioner, on the reason that the petitioner and his wife were employed in the NLC while it is not so and that the scheme is already over. In fact, the NLC should have considered the

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petitioner's son for appointment atleast as per the norms framed by them.

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(g) As per the norms, the petitioner's son comes under the zone of consideration and the petitioner is the person who comes under the category, viz., priority-2, i.e. the persons who have been given house with house-site and lands. Even according to them, the candidates under Priority-1 & 2 will be considered first. The petitioner's son is a B.E. graduate and fully qualified to be considered. One of the reasons stated by them for not considering the petitioner's son for employment under the Land Acquisition quota is that if two or more persons from a displaced family are already in the NLC (irrespective of their mode of employment), the third member of the same family is not eligible for employment under the LA scheme. In the case of the petitioner, two persons from their family were not employed in the NLC, directly, as stated by them. The petitioner's wife only joined as a Typist in the year 1978 under general category and not under LA scheme. She retired from service as Manager/HR on 31.05.2017, whereas before marriage, the petitioner was working as a Graduate Assistant in a Government school and then the petitioner resigned and joined the school run by the NLC. Though it is termed as NLC School, it is a Government aided school and the NLC has nothing to do with that School. The School is an independent entity and the petitioner being an employee of the school, it cannot be termed that he is an employee of the NLC. In the said circumstances, the petitioner's wife alone shall be termed as an employee of the NLC and not the

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petitioner.

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(h) As per Norm No.10, one person in the displaced family is eligible under the displaced quota even in case where one person from the displaced family is employed in the NLC on recruitment otherwise than under LA quota, such family will be eligible for one but not more than one job opportunity for another member of that family under the displaced quota, subject to fulfilling all other norms. As the petitioner was not directly employed in the NLC, the petitioner cannot be deemed to be an employee of the NLC. The petitioner's wife is deemed to be an employee of the NLC, but not recruited under LA quota. As per Norm No.10, it is not a bar to consider the petitioner's son for employment. Further, as per Norm No.11, only the grand-sons or grand-daughters of the awardee are not eligible for appointment under the LA quota. Further, under the category of eligible persons, it is clearly stated that awardee's son or daughter is eligible for appointment. That being the position, the petitioner cannot be considered as an employee of the NLC and his wife alone is deemed to be an employee of the NLC. No two persons of the petitioner's family are employed in the NLC. Since there is no bar to consider the case of the petitioner's son for employment, the impugned order dated 23.08.2017 was passed on wrong facts, and it may be quashed.

(i) Yet another reason stated by the fifth respondent while passing the impugned order dated 23.08.2018 is that providing job for the awards passed

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before 30.06.1989, is completed and processing of all the provisional list for the said period had already been completed and that no further cases would be taken up for consideration for the awards passed prior to 30.06.1989. Further, from the information obtained under the Right to Information Act, it is seen that they have provided employment to a person shown in S.No.129 Mr.Selvakumar on 15.05.2006, when the facts being so, there is no justification on the part of the NLC to deny employment to the petitioner's son. Moreover, it is a welfare scheme and it cannot be stopped abruptly before all the beneficiaries are benefited especially when no time frame is envisaged at the time of adoption of the scheme. The impugned order has been passed mechanically with wrong facts and hence, the present Writ Petition is filed.

4. The petitioners in W.P.No.24679 of 2018 in the affidavit, stated as follows:

(a) The then first petitioner's lands with the residential house of an extent of 12 cents (5 cents house and 7 cents vacant place) at Aziz Nagar had been acquired for Mine-II and its expansion by the Neyveli Lignite Corporation Limited (NLC) during the year 1984. Apart from this, nearly 1-1/2 acres of agricultural lands were also acquired by the NLC as per the Award No.4 of 84 and 3 of 85 in War No.4 and a meagre amount was paid towards compensation. The petitioner belonged to de-notified community, i.e.ex-criminals who had been settled in Aziz

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Nagar in the year 1913 and they were there over 70 years till those lands were acquired by the NLC. As the petitioner's lands were acquired by the NLC and the petitioner was made to dislocate or move away from the place where they were residing all these years and in the new place, they have been seen as aliens by others. In view of the background of their community in terms of criminality, people in the place were reluctant to accept the petitioner and others and to provide even some menial jobs. As their agricultural lands were also acquired by the NLC, not only the petitioner has to find a new shelter, but also it had taken away their basic job, atleast to earn a little from the land. The amount paid as compensation was not enough for them to maintain a decent life. Even to maintain the basic needs in the family in the new area, had become a questionable one and they felt as if they were moving to their early period of life. It is a dangerous situation and the circumstances warranted interference by the Government. Hence, considering the welfare of their community people, as everybody had become landless people, the Government of Tamil Nadu came forward for rehabilitation of families displaced by acquisition of lands in Aziz Nagar for the NLC.

(b) A meeting was held on 08.11.1983 in the Chambers of the Commissioner and Secretary to Government, Industries Department, with regard to the rehabilitation of families displaced consequent on acquisition of lands in Aziz Nagar for the NLC. In the said meeting, the Chairman of the NLC informed

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that employment would be given wherever possible and that they would call for interview as and when vacancies arise and recruit the qualified persons. The NLC adhered to the said commitment of its Chairman to provide atleast one job to one family all these years. However, leaving a handful of families for the reasons best known, the NLC provided job to almost all the families whose lands were acquired by the NLC. No doubt, this had helped them to tide over the situation. The NLC should have kept its promises alive and should have provided job atleast to one person in a family. Had the lands not been acquired, the economic status of the displaced families would have improved.

(c) As soon as the petitioner's lands were acquired by the NLC, it was a rat-race among the petitioner and others in finding the jobs. The petitioner managed to find a job. They were made to believe that NLC would honour its promises ever, as far as they are concerned, and they could avail the job at the appropriate time. Hence, the petitioner applied to the NLC seeking to provide a job to his son. Subsequently, the petitioner also made a representation dated 26.08.2010 to the District Collector, Cuddalore, seeking to recommend the petitioner's son's name for an appointment in the NLC, the head of the District Administration. As the petitioner's request was kept in abeyance, he was forced to give another representation, dated 24.05.2011 to the Deputy Collector (Land Acquisition), Neyveli with a request to consider the petitioner's son for an appointment in the NLC based on the Award No.4 of 1984 and 3 of 1985 in Ward



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(d) The NLC having accepted to provide a job to the families from whom the lands were acquired as per Award No.4 of 1984 and 3 of 1985 in Ward No.4, cannot go back from their promise. It cannot be construed that the NLC has accepted to provide job only on compassionate grounds, but considering the plight of the families from whom lands were acquired, the NLC came forward to provide job only as a compensatory rehabilitation measure for displaced families. When that being the aim of the NLC in providing job atleast to one member in a family, then they have to provide a job atleast to one another in a family.

(e) Subsequent to the representations, the Special Deputy Collector (Land Acquisition) forwarded the petitioner's letter to the General Manager, Land Acquisition, Neyveli, vide letter dated 31.05.2011 with an advice to take appropriate decision. As there was no reply from the respondents, the petitioner again gave various representations and based on the same, the Special Deputy Collector (Land Acquisition), by letter dated 06.12.1999, with his advice, subsequently, in one of the communications dated 22.10.2012, the Special Deputy Collector informed the petitioner that the General Manager, NLC, by his letter dated 08.08.2012, has expressed his inability to provide employment to the petitioner's son. Hence, the petitioner gave another representation to the District Collector, with a request to provide a job to the petitioner's son, for which, the General Manager/LA-R & R of the NLC sent a reply, dated 31.05.2013 rejecting

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the petitioner's request stating that the Award passed up to 30.06.1989 had already been taken up and declared as completed. Further, he stated that all the PAPs (Project Affected Persons) sponsored by the District Collector in the lists that had been provided with jobs, the petitioner is a person covered under the Award passed upto 30.06.1989 and no job was provided to any person in their family. Hence, it cannot be said that all the PAPs sponsored by the District Collector in the list had been provided with jobs. Being aggrieved by the said reply, the petitioner filed W.P.No.14253 of 2014, which was disposed of on 12.05.2017 with a direction to the first respondent therein to consider the representation submitted by the petitioner on 23.10.2013 and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of the order. Following the said direction, the General Manager/LA - R & R (i/c) of the NLC had passed order in Lr.No.W.P.No.14253 of 2014/GM/LA-R & R/2017, dated 14.08.2017 rejecting the request of the petitioner, on the reason that as per the Minutes of the meeting, a number of graduates and ITI holders belonged to Aziz Nagar Village, were recruited in 1984-85 later. All these appointments were in accordance with the Minutes of the meeting dated 18.11.1983. Further, it is stated that the NLC had been adopting the norms for employment to land affected families whose lands were acquired from 01.01.1977 to 30.06.1989 and the petitioner also is one such person and his lands were acquired during the year 1986-89 as per the Award

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No.4 of 1984 and 3 of 1985 in Ward No.4. The petitioner is squarely covered by the norms framed by the NLC in providing a job to the land affected families, whose lands were acquired by the NLC.

(f) As per the norms, the petitioner's son comes under the zone of consideration and the petitioner is the person who comes under the category, viz., priority-2, i.e. the persons who have been given house with house-site and lands. Even according to them, the candidates under Priority-1 & 2 will be considered first. The petitioner's son is a B.E. graduate and fully qualified to be considered. The petitioner is the person who got employment in the NLC under the General category and not under LA quota. Then, in that case, even as per the Norm No.10, one person in the displaced family is eligible under the displaced quota. Further, as per Norm No.11, only the grand-sons or grand-daughters of the awardee are not eligible for appointment under the LA quota. Further, under the category of eligible persons, it is clearly stated that awardee's son or daughter is eligible for appointment. In the case of the petitioner, the petitioner applied for job only to his son and he satisfies all the norms and he should have been considered for appointment to any post. Instead of considering him for any post, they have simply stated that now the consideration for provision of employment for the awards passed upto 30.06.1989, was already over and that no further case would be taken up for consideration for the awards passed prior to 30.06.1989. After stating so, from the information



received under the Right to Information Act, it is seen that they have provided employment to a person shown in S.No.129 Mr.Selvakumar on 15.05.2006, when the facts being so, there is no justification on the part of the NLC to deny employment to the petitioner's son.

(g) Moreover, it is a welfare scheme and it cannot be stopped abruptly before all the beneficiaries are benefited especially when no time frame is envisaged at the time of framing of the scheme. The impugned order has been passed mechanically with wrong facts and hence, the present Writ Petition is filed.

5. The respondents 2 to 4 have filed counter affidavit in W.P.No.24678 of 2018, stating that the Writ Petition is not maintainable either in law or on facts and the same is liable to be dismissed in-limine. For the acquisition of the lands made in 1984 and 1987, the petitioners stealthily made a representation in 2010 after a long delay of about 26 years and the required lands were acquired under the applicable Land Acquisition Act by the Government of Tamil Nadu from time to time for the first respondent. The Government lands are handed over to the first respondent by the Government of Tamil Nadu by necessary orders on payment of market value of the lands directly by the first respondent. The first respondent pays the compensation determined by the Land Acquisition Officer in terms of the provisions of the applicable Land Acquisition Act as well as the



enhanced compensation, if any, as determined by the concerned Court in the case of competent proceedings under Section 18 of the Act. Apart from paying the statutory compensation, the first respondent also extends certain rehabilitation measures such as employment, alternative site, dismantling charges, etc., to the land owners, subject to satisfaction of the terms of the applicable schemes framed in consultation with the Government of Tamil Nadu from time to time on humanitarian grounds.

6. It is also stated in the counter that an extent of 0.05.3 lands in Survey No.156/3 and 159/6 of Aziz Nagar, Cuddalore District that belongs to the family of the petitioner was acquired under the provisions of Central Land Acquisition Act, 1894, by Award Nos.4 of 1984, dated 06.03.1984, 4 of 1987, dated 10.04.1987 and 7 of 1987 dated 10.06.1987. The statutory compensation determined by the Land Acquisition Officers had been paid to the petitioner and his family in accordance with law. The enhanced compensation under Section 18 had also been paid to them long back. The possession of the lands was taken decades ago and it was put to use for the purpose it was acquired. At this stage, the petitioner submitted a representation to the second respondent on 20.03.2012, requesting employment for his son Mr.M.Sivaprakash in connection with the acquisition of land. On receipt of such representation, the second respondent herein informed the first respondent to consider his representation in accordance with law, vide. Lr.Na.Ka.No.206/2017, dated 03.04.2012. It is for the



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first respondent to decide about providing employment opportunities to the petitioner's son. The petitioner had already filed W.P.No.14169 of 2014 before this Court for the same prayer and this Court, by order dated 12.05.2017, disposed of the said Writ Petition with a direction to the first respondent to consider the representation of the petitioner in accordance with law. Subsequent to the said order, the first respondent passed order in Lr.No.W.P.No.14169 of 2014/GM/LA-R & R/2017, dated 23.08.2017 in which it was informed that they are unable to comply with the request of the petitioner. At this stage, the present Writ Petition is filed. There is no basis for filing this Writ Petition, which may be dismissed.

7. The respondents 2 to 4 have filed counter affidavit in W.P.No.24678 of 2018, stating that the Writ Petition is not maintainable either in law or on facts and the same is liable to be dismissed in-limine. For the acquisition of the lands made in 1984 and 1987, the petitioners stealthily made a representation in 2010 after a long delay of about 26 years and the required lands were acquired under the applicable Land Acquisition Act by the Government of Tamil Nadu from time to time for the first respondent. The Government lands are handed over to the first respondent by the Government of Tamil Nadu by necessary orders on payment of market value of the lands directly by the first respondent. The first respondent pays the compensation determined by the Land Acquisition Officer in terms of the provisions of the applicable Land Acquisition Act as well as the

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enhanced compensation, if any, as determined by the concerned Court in the case of competent proceedings under Section 18 of the Act. Apart from paying the statutory compensation, the first respondent also extends certain rehabilitation measures such as employment, alternative site, dismantling charges, etc., to the land owners, subject to satisfaction of the terms of the applicable schemes framed in consultation with the Government of Tamil Nadu from time to time on humanitarian grounds.

8. It is also stated in the counter that an extent of 12 cents (5 cents house and 7 cents vacant place) in Aziz Nagar, Cuddalore District belongs to the family of the petitioner, which was acquired under the provisions of Central Land Acquisition Act, 1894, by Award Nos.4 of 1984 and 3 of 1985. The statutory compensation determined by the Land Acquisition Officers had been paid to the petitioner and his family in accordance with law. The enhanced compensation under Section 18 had also been paid to them long back. The possession of the lands was taken decades ago and it was put to use for the purpose it was acquired. At this stage, the petitioner submitted a representation to the fourth respondent on 26.08.2010, requesting employment for his son Mr.R.Rajavaramban in connection with the acquisition of land. He also made a representation on 24.05.2011 to the second respondent herein. On receipt of such representation, the second respondent herein informed the first respondent to consider his representation in accordance with law, vide, letter dated

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31.05.2011. It is for the first respondent to decide about providing employment opportunities to the petitioner's son. The petitioner had already filed W.P.No.14253 of 2014 before this Court for the same prayer and this Court, by order dated 12.05.2017, disposed of the said Writ Petition with a direction to the first respondent to consider the representation of the petitioner in accordance with law. Subsequent to the said order, the first respondent passed order in Lr.No.W.P.No.14253 of 2014/GM/LA-R & R/2017, dated 14.08.2017 in which it was informed that they are unable to comply with the request of the petitioner. At this stage, the present Writ Petition is filed. There is no basis for filing this Writ Petition, which may be dismissed.

9. The respondents 1 and 5 have filed counter affidavit in W.P.No.24678 of 2018, stating as follows:

(i) The Writ Petition is neither maintainable in law nor on facts and is misconceived. Admittedly, the subject lands were acquired in 1983 and 1984. The present Writ Petition is filed in 2018, claiming employment after a period of about 35 years from the date of acquisition of lands. The right, if any, undoubtedly available to a litigant becomes unenforceable if the litigant does not approach the Court within a reasonable time. As such, the Writ Petition is hit by the principles of delay and laches. The claim made in the Writ Petition is stale and dead one and is sheer abuse of process of law. The employment sought for is for a person who was not at all born at the time of acquisition. For the

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acquisition of lands in 1984 and 1987, the petitioner made a representation in 2010 after a long delay of about 26 years, which will not revive the cause of action to the stale and dead claim. It is settled law that even repeated representations will not revive the old cause of action, which were dead and stale. Representations relating to matters which have become stale or barred by limitation, shall be rejected on the ground alone, without examining the merits of the claim.

(ii) The petitioner has approached this Court with unclean hands suppressing material and relevant facts and bereft of relevant and necessary facts. The petitioner did not furnish the details of the properties acquired either in the representation or in the Writ Petition, which itself is evident that the right of the petitioner, if any, is extinguished by lapse of time.

(iii) The respondents 1 and 5 (NLC) is one of the major Government of India Enterprise involved in mining lignite and generation of power. It is a Company registered under the provisions of the Companies Act, 1956. The major shares of the respondents/NLC are held by the Government of India and it is under the control of the Ministry of Coal. The NLC has established various mines and thermal power stations in Neyveli and in course of time, they have extended their activities to Barsingsar in Rajasthan and other parts of the country, pursuant to the consent/authorisation from the Central Government.

(iv) Owing to abundant availability of lignite in and around the area of



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Neyveli of Cuddalore District, the NLC was established in 1950 by the Government of India to exploit the same and for the uninterrupted mining activities and generation of power by the NLC and it requires large extent of lands in and around Neyveli. Land is the raw material for the NLC and annually, the NLC requires about 500 acres of land for its mining activities. The required patta lands are acquired under the applicable Land Acquisition Act by the Government of Tamil Nadu from time to time for the NLC and the Government lands are handed over to the NLC by the Government of Tamil Nadu by necessary orders on payment of market value of the lands directly by the NLC. The acquisition of lands for the NLC is a continuous process and it is not a one-time measure. The NLC pays the compensation determined by the Land Acquisition Officers in terms of the provisions of the Land Acquisition Act as well as the enhanced compensation, if any, as determined by the concerned Court in the case of competent proceedings under Section 18 of the said Act. Apart from paying the statutory compensation, the NLC also extends certain rehabilitation measures, such as employment, alternative site, dismantling charges, etc., to the land owners, subject to satisfaction of the terms of the applicable schemes framed in consultation with the Government of Tamil Nadu from time to time on humanitarian grounds. There is no statutory compulsion for extending the employment opportunities (rehabilitation measures) till the new Central Act 30 of 2013 came into force on 01.01.2014.

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(v) From the records available with the NLC, it is found that the lands comprised in S.Nos.1/45 - 0.02.5, 133/3 - 0.05.0, 156/3 - 0.05.1 and 159/6 - 0.05.3, situated in the Village of Aziz Nagar, Cuddalore District of the family of the petitioner, was acquired under the provisions of the Central Act, namely Land Acquisition Act, 1894, by Award Nos.4 of 1984, dated 06.03.1984, 4 of 1987, dated 10.04.1987 and 7 of 1987, dated 10.06.1987. The statutory compensation determined by the Land Acquisition Officers had been paid to the petitioner and his family in accordance with law. The enhanced compensation under Section 18 also had been paid to them long back. The possession of the lands were taken decades ago and it was put to use for the purpose for which it was acquired. Hence, the present Writ Petition claiming employment for the lands acquired about three decades ago, is barred by delay and laches. The conditions and norms for providing employment in the NLC to persons whose lands have been acquired for the purposes of NLC under the Land Acquisition Act, 1894 and Awards thereon have been passed prior to 30.06.1989, and these conditions and norms have been uniformly followed by the NLC in letter and spirit. There is no violation of any of the conditions whatsoever. In the counter affidavit, the NLC had given the details of the Awards passed under the Land Acquisition Act from January 1977 to June 1989 and its priorities, scope of employment, norms of employment and eligible persons.

(vi) Under the conditions and norms applicable to awards dated upto

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30.06.1989, a total number of 2480 names were sponsored by the Revenue Authorities in eight lists and none of the lists sponsored by the District Collector contained the name of the petitioner's son. A large number of persons had been included by the Revenue Authorities in more than one list. Out of the persons sponsored by the Revenue Authorities, after scrutiny and verification by the NLC, 1827 persons have been appointed against regular posts. In July 2000, the Government of India imposed a ban on fresh appointments. Thus, a total of 1827 persons have been taken in by the NLC from and out of the persons displaced owing to acquisition of their lands under the Land Acquisition Act.

(vii) None of the lists contained the name of the son of the petitioner. All the eligible persons pertaining to the Awards passed from 01.01.1977 to 30.06.1989 including the final 629 list, had been considered by the NLC and the employment was provided. As per the decision in the District Collector meeting held on 27.09.1995, 629 lists was the final list and no further claims for the Awards passed for the period of 01.01.1977 to 30.06.1989 would be entertained. Hence, it is not possible for the NLC to consider the request of the petitioner for his son, who had been admittedly born five/two years after acquisition of the lands. The rehabilitation measures are over and above the statutory liability on humanitarian grounds to tide over the immediate displacement. There would be no element of difficulty of displacement or other hardship after about three decades from the date of acquisition.



(viii) In the year 1975, the petitioner was inducted into NLC from the Government of Tamil Nadu and appointed as Graduate Assistant / Science in NLC School. The NLC schools are run by the NLC and they are considered as NLC employees for many respects. The petitioner was given due promotions and had retired as Headmaster of NLC school on 31.05.2008. Similarly, the petitioner's wife Smt.R.Jayalakshmi was also appointed in NLC during the year 1978 as Typist and after due promotion, she had retired from the services of the NLC as Manager/HR on 31.05.2017. As such, it is clear that the petitioner and his wife were employed in the NLC even prior to acquisition of lands of the petitioner and his family and continued in service till 2008 and 2017. Under the norms for employment, in cases where one person from a displaced family, is in the employment of NLC having been employed otherwise than under the Land Acquisition quota, such family will be eligible for one but not more than one job opportunity for another member of that family under the displaced persons quota, subject to fulfilling all the other norms. In cases where two or more persons from a displaced family are in the employment of NLC, whether appointed normally or under the Land Acquisition quota, no other members of the same family shall be considered under the Land Acquisition quota. Hence, the petitioner deliberately waited till his retirement and started making representation seeking employment for his son, who was not even born at the time of acquisition of the lands, which is not permissible in law.



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(ix) Pursuant to the order of this Court, dated 12.05.2017 passed in W.P.No.14169 of 2014, the representation dated 25.07.2017 of the petitioner was considered in conjunction with available materials and the norms of the scheme and found that the claim of the petitioner was not only stale and dead one, but also ineligible under the scheme for employment and the same was intimated to the petitioner by the NLC by the impugned order dated 23.08.2017. There is no illegality or infirmity in the impugned order dated 23.08.2017. The impugned order is in accordance with law and in terms of the scheme for employment provided under displacement quota by the NLC. The second respondent has no authority or power to recommend or alter the details/eligibility criteria of the eligible persons under the scheme. Any such recommendations by the second respondent have no significance in the matter of providing employment under the scheme and have no legal value. The second respondent has no authority or power to revalidate or revive the unfounded rights to the claims of the petitioner. As such, the recommendations of the second respondent is illusory and impermissible.

(x) The averment that a meagre amount of compensation was paid towards compensation for the acquired lands, is denied. The determined compensation in accordance with law and the enhanced compensation in terms of the provisions of the Land Acquisition Act, were paid to the petitioner and his family for the acquired lands. It is impermissible in law to seek employment for

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the persons under the scheme, who did not born at the time of acquisition of lands and on attaining major by the persons, who was born subsequent to acquisition of lands. The rehabilitation schemes are meant to alleviate the immediate displacement of the persons due to acquisition of properties. It is not a statutory right conferred under any law. The said right to live forever, is not correct. The second respondent has no right or power to repeatedly recommend or alter the details of eligible persons even after two decades of acquisition of the properties. Providing employment to the displaced persons, is neither mandatory, nor is there any statutory compulsion. It is depending upon various factors like suitability of the persons concerned and satisfaction of various norms and guidelines approved from time to time and also with reference to various priorities under which the candidates belonged to. Job opportunities were offered purely on compassionate grounds and not out of legal compulsions.

(xi) Admittedly, the petitioner seeks for employment under displacement quota for his son, who was not born at the time of acquisition of the property and who graduated in 2010 or so, i.e., after 27 years/24 years after acquisition, which is not permitted in law. The NLC promised the petitioner to consider and provide employment as and when vacancy arises, is denied. The petitioner approached the fifth respondent for employment of his daughter, the fifth respondent informed that she being 12th Std. ineligible for employment and wanted to wait till his son acquires graduation, are denied as false. There are no



illegalities or infirmities in passing the impugned order and it is legal and justified. The names of Shri.Ravikumar, son of Shri.Purushothaman and Shri.Selvakumar, were sponsored by the District Collector under the scheme and they were provided employment under displacement quota, under the order of the Court.

10. The respondents 1 and 5 have filed counter affidavit in W.P.No.24679 of 2018, stating as follows:

(i) The Writ Petition is neither maintainable in law nor on facts and is misconceived. Admittedly, the subject lands were acquired in 1984 and 1987. The present Writ Petition is filed in 2018, claiming employment after a period of about 35 years from the date of acquisition of lands. The right, if any, undoubtedly available to a litigant becomes unenforceable if the litigant does not approach the Court within a reasonable time. As such, the Writ Petition is hit by the principles of delay and laches. The claim made in the Writ Petition is stale and dead one and is sheer abuse of process of law. The employment sought for is for a person who was not at all born at the time of acquisition. For the acquisition of lands in 1984 and 1987, the petitioner made a representation in 2013 after a long delay of about 30 years, which will not revive the cause of action to the stale and dead claim. It is settled law that even repeated representations will not revive the old cause of action, which were dead and stale. Representations relating to matters which have become stale or barred by



limitation, shall be rejected on the ground alone, without examining the merits of the claim.

(ii) The petitioner has approached this Court with unclean hands suppressing material and relevant facts and bereft of relevant and necessary facts. The petitioner did not furnish the details of the properties acquired either in the representation or in the Writ Petition, which itself is evident that the right of the petitioner, if any, is extinguished by lapse of time.

(iii) The respondents 1 and 5 (NLC) is one of the major Government of India Enterprise involved in mining lignite and generation of power. It is a Company registered under the provisions of the Companies Act, 1956. The major shares of the respondents/NLC are held by the Government of India and it is under the control of the Ministry of Coal. The NLC has established various mines and thermal power stations in Neyveli and in course of time, they have extended their activities to Barsingsar in Rajasthan and other parts of the country, pursuant to the consent/authorisation from the Central Government.

(iv) Owing to abundant availability of lignite in and around the area of Neyveli of Cuddalore District, the NLC was established in 1950 by the Government of India to exploit the same and for the uninterrupted mining activities and generation of power by the NLC and it requires large extent of lands in and around Neyveli. Land is the raw material for the NLC and annually, the NLC requires about 500 acres of land for its mining activities. The required



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patta lands are acquired under the applicable Land Acquisition Act by the Government of Tamil Nadu from time to time for the NLC and the Government lands are handed over to the NLC by the Government of Tamil Nadu by necessary orders on payment of market value of the lands directly by the NLC. The acquisition of lands for the NLC is a continuous process and it is not a one-time measure. The NLC pays the compensation determined by the Land Acquisition Officers in terms of the provisions of the Land Acquisition Act as well as the enhanced compensation, if any, as determined by the concerned Court in the case of competent proceedings under Section 18 of the said Act. Apart from paying the statutory compensation, the NLC also extends certain rehabilitation measures, such as employment, alternative site, dismantling charges, etc., to the land owners, subject to satisfaction of the terms of the applicable schemes framed in consultation with the Government of Tamil Nadu from time to time on humanitarian grounds. There is no statutory compulsion for extending the employment opportunities (rehabilitation measures) till the new Central Act 30 of 2013 came into force on 01.01.2014.

(v) From the records available with the NLC, it is found that the lands comprised in S.Nos.115/5 - 0.38.5 and 124/9 - 0.08.3 of the lands of the petitioner and the lands comprise in S.Nos.1/131 - 0.05.5 and 130/6 - 0.22.0 of the petitioner's father, namely Shri.Krishnan situated in the village of Aziz Nagar, Cuddalore District, were acquired under the provisions of the Central Act,

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namely Land Acquisition Act, 1894, by Award Nos.14 of 1985, dated 25.11.1985, 5 of 1987, dated 23.04.1987, 3 of 1984, dated 29.02.1984 and 10 of 1987, dated 22.10.1987. The statutory compensation determined by the Land Acquisition Officers had been paid to the petitioner and his family in accordance with law. The enhanced compensation under Section 18 also had been paid to them long back. The possession of the lands were taken decades ago and it was put to use for the purpose for which it was acquired. The petitioner has not surrendered house with house-site. Hence, the present Writ Petition claiming employment for the lands acquired about three decades ago, is barred by delay and laches. The conditions and norms for providing employment in the NLC to persons whose lands have been acquired for the purposes of NLC under the Land Acquisition Act, 1894 and Awards thereon have been passed prior to 30.06.1989, and these conditions and norms have been uniformly followed by the NLC in letter and spirit. There is no violation of any of the conditions whatsoever. In the counter affidavit, the NLC had given the details of the Awards passed under the Land Acquisition Act from January 1977 to June 1989 and its priorities, scope of employment, norms of employment and eligible persons.

(vi) Under the conditions and norms applicable to awards dated upto 30.06.1989, a total number of 2480 names were sponsored by the Revenue Authorities in eight lists and none of the lists sponsored by the District Collector contained the name of the petitioner's son. A large number of persons had been



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included by the Revenue Authorities in more than one list. Out of the persons sponsored by the Revenue Authorities, after scrutiny and verification by the NLC, 1827 persons have been appointed against regular posts. In July 2000, the Government of India imposed a ban on fresh appointments. Thus, a total of 1827 persons have been taken in by the NLC from and out of the persons displaced owing to acquisition of their lands under the Land Acquisition Act.

(vii) None of the lists contained the name of the son of the petitioner. All the eligible persons pertaining to the Awards passed from 01.01.1977 to 30.06.1989 including the final 629 list, had been considered by the NLC and the employment was provided. As per the decision in the District Collector meeting held on 27.09.1995, 629 lists was the final list and no further claims for the Awards passed for the period of 01.01.1977 to 30.06.1989 would be entertained. Hence, it is not possible for the NLC to consider the request of the petitioner for his son, who had been admittedly born five/two years after acquisition of the lands. The rehabilitation measures are over and above the statutory liability on humanitarian grounds to tide over the immediate displacement. There would be no element of difficulty of displacement or other hardship after about three decades from the date of acquisition.

(viii) No house or house-site with house was acquired from the petitioner. Under the scheme, the grand-sons are not eligible for employment for the lands acquired from the father of the petitioner. Under the norms for employment, the



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petitioner's son is not eligible for employment. The filing of the present Writ Petition is gross abuse of process of Court. Pursuant to the order of this Court, dated 12.05.2017 in W.P.No.14253 of 2014, the representation, dated 10.01.2014 of the petitioner was considered in conjunction with available materials and the norms of the scheme and found that the claim of the petitioner was not only stale and dead one, but also ineligible under the scheme of employment and the same was intimated to the petitioner by the NLC by the impugned order dated 14.08.2017. There is no illegality or infirmity in passing the impugned order dated 14.08.2017. The impugned order is in accordance with law and in terms of the scheme for employment provided under displacement quota by the NLC. The second respondent has no authority or power to recommend or alter the details/eligibility criteria of the eligible persons under the scheme. Any such recommendations by the second respondent have no significance in the matter of providing employment under the scheme and have no legal value. The second respondent has no authority or power to revalidate or revive the unfounded rights to the claims of the petitioner. As such, the recommendations of the second respondent is illusory and impermissible.

(ix) The averment that a meagre amount of compensation was paid towards compensation for the acquired lands, is denied. The determined compensation in accordance with law and the enhanced compensation in terms of the provisions of the Land Acquisition Act, were paid to the petitioner and his

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family for the acquired lands. It is impermissible in law to seek employment for the persons under the scheme, who did not born at the time of acquisition of lands and on attaining major by the persons, who was born subsequent to acquisition of lands. The rehabilitation schemes are meant to alleviate the immediate displacement of the persons due to acquisition of properties. It is not a statutory right conferred under any law. The said right to live forever, is not correct. The second respondent has no right or power to repeatedly recommend or alter the details of eligible persons even after two decades of acquisition of the properties. Providing employment to the displaced persons is neither mandatory nor is there any statutory compulsion. It is depending upon various factors like suitability of the persons concerned and satisfaction of various norms and guidelines approved from time to time and also with reference to various priorities under which the candidates belonged to. Job opportunities were offered purely on compassionate grounds and not out of legal compulsions.

(x) Admittedly, the petitioner seeks for employment under displacement quota for his son, who was not born at the time of acquisition of the property and who graduated in 2013 or so, i.e., after 30 years/34 years after acquisition, which is not permitted in law. The NLC promised the petitioner to consider and provide employment as and when vacancy arises, is denied. There are no illegalities or infirmities in passing the impugned order and it is legal and justified. The names of Shri.Ravikumar, son of Shri.Purushothaman and



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Shri.Selvakumar, were sponsored by the District Collector under the scheme and they were provided employment under displacement quota, under the order of the Court.

11. Learned counsel for the petitioners submitted that, as far as W.P.No.24678 of 2018 is concerned, the land(s) of the petitioners with residential house of an extent of 9 cents (5 cents house and 4 cents vacant place) at Aziz Nagar, were acquired for Mine-II and its expansion by the NLC Ltd during the year 1984, apart from the above house, the vacant site only and the 1-½ acres of agricultural land(s) were also acquired by the NLC as per Award No.8/84 and 3/85 in Ward IV and meagre amount was paid towards the compensation. The petitioners belong to Scheduled Caste community and who were in possession from 1913 for more than 70 years till those land(s) were acquired by the NLC. The petitioners' lands were acquired by the NLC and the petitioners were made to dislocate from the place where they were residing all those years in the new place. Considering the welfare of their community people, the Government of Tamil Nadu came forward for rehabilitation of families displaced by acquisition of lands in Aziz Nagar for the NLC. It is the further submission of the learned counsel for the petitioners that a meeting was held on 18.11.1993 by the Commissioner and Secretary to Government, Industries Department, with regard to the rehabilitation of the families displaced consequent to the acquisition of the land(s) in Aziz Nagar for the NLC. In the

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said meeting, the Chairman of the NLC assured that the employment would be given wherever possible and that they would call for interview as and when the vacancy arises and recorded the qualified persons. The NLC provided job to almost all the families whose lands were acquired by the NLC. In the year 1999, as soon as the petitioners' daughter had passed XII Std. examinations, the petitioners applied for a job to the daughter for Award Nos.4 of 1984 and 3 of 1985 in Ward No.4. The request seeking employment to the petitioners' daughter was also recommended by the Special Deputy Collector (Land Acquisition) to the Deputy General Manager (Civil/Land Acquisition), NLC in his letter dated 04.01.2000. Though the said recommendation was made as early as in 2000, no appointment was given to the daughter and subsequently, the daughter got married and now she resides separately with her husband. Subsequently, the NLC also informed that the employment to the daughter could not be complied with on the ground that 12th qualification acquired by the daughter was not considered as an eligible qualification for providing employment to her in NLC. It is further contended by the learned counsel for the petitioners that in the year 2010, the petitioners' son became fully qualified with BE (EEE) graduation. Immediately, one of the petitioners made a representation dated 26.08.2010 to the District Collector, Cuddalore, being the head of the District Administration seeking to recommend his son's name for appointment in the NLC. Since there was no response, the petitioner also sent another



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representation dated 24.05.2011 to the Deputy Collector (Land Acquisition), Neyveli, with a request to consider the petitioner's son for appointment in the NLC based on the Award Nos.4 of 1984 and 3 of 1985 in Ward No.4. Subsequent to the representations, the Special Deputy Collector (Land Acquisition) forwarded the petitioner's letter to the General Manager, Land Acquisition, Neyveli, vide letter dated 31.05.2011, with an advice to take appropriate decision. As there was no reply by the first respondent herein, the petitioner again gave away his representation to the Special Deputy Collector and another letter dated 03.04.2012 with his advise and since there was no response, the petitioners gave another representation dated 20.05.2013 to the District Collector, with a request to provide a job to his son in the NLC, for which, the General Manager / LA-R & R of the NLC sent a reply rejecting their request stating that the Award passed up to 30.06.1989 had already been taken up and declared as completed. It is the further contention of the petitioners that all the PAPs (Project Affected Persons) sponsored by the District Collector in the lists that had been provided with jobs, the petitioner is a person covered under the Award passed upto 30.06.1989 and no job was provided to any person in their family. Therefore, the reasons stated by the respondents that all the PAPs sponsored by the District Collector in the list, had been provided with jobs, is not acceptable. Being aggrieved by the said reply, the petitioners gave another representation dated 23.10.2013 to the District Collector and as there was no reply from the

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respondents, the petitioner has filed W.P.No.14169 of 2014, which was disposed of on 12.05.2017 directing the first respondent therein to consider the representation submitted by the petitioner on 23.10.2013 and pass appropriate orders on merits and in accordance with law, within a period of 12 weeks from the date of receipt of a copy of the order. Following the said direction, the General Manager / LA - R & R (in-charge) of the NLC passed order in Lr.No.W.P.No.14169 of 2014/GM/LA-R & R/2017, dated 23.08.2017, rejecting the request of the petitioner on the reason that the petitioner and his wife were employed in the NLC, but while it is not so and that the scheme is already over, but the NLC should have considered the petitioner's son for appointment at least as per the norms framed by them. The learned counsel for the petitioners further submitted that the petitioner's son comes under the zone of consideration and the petitioner is the person who comes under the category, viz., priority-2. Even according to them, the candidates under Priority-1 and 2 will be considered first. The petitioner's son is a B.E graduate and fully qualified to be considered. One of the reasons stated by them for not considering the petitioner's son for employment under the 'land acquisition quota' is that if two or more persons from a displaced family are already in the NLC, a third member of the same family is not eligible for employment under the "LA" scheme. In the case of the petitioners, two persons from their family were not employed in the NLC directly and the petitioner's wife only joined as Typist in the year 1978

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under the general category and not under the LA scheme. She retired from service as Manager/HR on 31.05.2017, whereas, even prior to marriage, the petitioner was working as a Graduate Assistant in a Government School and then the petitioner resigned and joined the school run by the NLC. Though it is termed as NLC School, it is a Government aided School and the NLC has got nothing to do with that School. The said School is an independent entity and the petitioners being an employee of the School, cannot be termed that he is an employee of the NLC. Therefore, the petitioner's wife alone shall be termed as an employee of the NLC and not the petitioner.

12. It is the further contention of the learned counsel for the petitioners that, as the petitioners was not directly employed in the NLC, the petitioners cannot be deemed to be an employee of the NLC. The wife of the petitioners alone shall be termed as an employee of the NLC and not the petitioner. Further, as per Norm 10, only one person in the displaced family is eligible under the 'displaced quota' even in case where one person from the displaced family is employed in the NLC on recruitment otherwise than under the LA quota, such family will be eligible for one, but not more than one job opportunity for another member of that family under the displaced quota, subject to fulfilling all other norms. As the petitioner was not directly employed in the NLC, the petitioners cannot be deemed to be an employee of the NLC. The petitioner's wife is deemed to be an employee of the NLC, but not recruited under the LA quota. As



per the Norm No.10, it is a not a bar to consider the petitioner's son for employment. Moreover, as per Norm No.11, only the grand-sons and grand-daughters of the awardee, are not eligible for appointment under the LA quota. Further, under the category of eligible persons, it is clearly stated that awardee's son or daughter is eligible for appointment and that being the position, the petitioners cannot be considered as an employee of the NLC and his wife alone is deemed to be an employee of the NLC. Further, no two persons of the petitioner's family are employed in the NLC and since there is no bar to consider the case of the petitioner's son for employment, the impugned order dated 23.08.2017 had been passed on wrong facts and that the impugned order is not passed in accordance with law, and hence, the learned counsel for the petitioners claim that the impugned order may be quashed. Further, this Court, in the earlier round of litigation in a Writ Petition, only directed the respondents therein to consider the representation in accordance with law, whereas the reasons assigned in the impugned order herein for rejection of the claim of the petitioner, is not in accordance with law.

13. Further, the respondents have stated that providing job for the Awards passed before 1989, is completed and the processing of all the provisional list for the said period, had already been completed and that no further case would be taken up for consideration for the Awards passed prior to 30.06.1989. The petitioners obtained information under the Right to Information



Act, from which, it is the stand of the petitioners that the NLC had provided employment to a person shown in S.No.129 Mr.Selvakumar on 15.05.2006 and that being the position, there is no justification on the part of the NLC to deny employment to the son of the petitioners. Further, the scheme is a welfare scheme and it cannot be stopped abruptly before all the beneficiaries are benefited, especially, when no time frame is envisaged at the time of adoption of the scheme. Therefore, the impugned orders are liable to be set aside.

14. Learned Additional Government Pleader appearing for respondents 2 to 4 submitted that the representation of the petitioner(s) was forwarded to the respondents 1 and 5/NLC and therefore, only the NLC is duty-bound to consider the same and the first respondent/NLC is only the recommending authority and the same has got nothing to do with the relief of the petitioners. The Government lands are handed over to the first respondent/NLC by necessary orders, on payment of the market value of the land(s) directly by the first respondent/NLC and the first respondent pays the compensation determined as determined by the Land Acquisition Officer in terms of the provisions of the applicable Land Acquisition Act as well as the enhanced compensation, if any, as determined by the concerned Court in the case of competent proceedings under Section 18 of the Act. Further, apart from paying the statutory compensation, the first respondent also extends certain rehabilitation measures, such as employment, alternative site, dismantling charges, etc., to the land owners,



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subject to satisfaction of the terms of the applicable scheme as framed in consultation with the Government of Tamil Nadu from time to time on humanitarian grounds.

15. The petitioners have also received the compensation under Section 18 of the Land Acquisition Act and the possession of the land(s) was taken long back. The petitioner(s) had filed W.P.No.14253 of 2014 before this Court, which was disposed of by this Court on 12.05.2017 with a direction to the first respondent therein to consider the representation of the petitioner in accordance with law, subsequent to which, the first respondent passed order dated 14.08.2017 informing that they are unable to comply with the request of the petitioners, and at this stage, these Writ Petitions are filed, which may be dismissed.

16. The learned counsel appearing for respondents 1 and 5/NLC submitted that the subject land(s) were acquired in 1983 and 1984 and the present Writ Petitions are filed only in 2018, claiming employment after a period of about 35 years from the date of acquisition of lands. The petitioners cannot claim as a matter of right and the right, if any undoubtedly available to a litigant, becomes unenforceable, if the litigant does not approach the Court within a reasonable time. The Writ Petitions are hit by the principles of delay and laches. The claim made in the Writ Petitions, is a sheer abuse of process of law. The employment sought for is a person who was not at all born at the time of



acquisition. For the acquisition of lands in 1984 and 1987, the petitioners made a representation in 2010 after a long delay of about 26 years, which will not revive the cause of action to the stale and dead claim. Hence, the Writ Petitions are liable to be rejected on the ground of limitation.

17. The learned counsel appearing for the respondents 1 and 5/NLC, further contended that the petitioners have not approached this Court with unclean hands, suppressing material and relevant facts and the Writ Petition is bereft of relevant and necessary facts. The petitioners had not furnished the details of the properties acquired either in the representation or in the Writ Petitions, which itself shows that the right of the petitioners had extinguished by lapse of time.

18. The learned counsel appearing for the respondents 1 and 5/NLC, further contended that the NLC is one of the major Government of India enterprise involved in mining lignite and generation of power and they have also extended their activities to Barsingsar in Rajasthan and other parts of the country, pursuant to the consent/authorisation from the Central Government. As there is abundant availability of lignite in and around the area of Neyveli of Cuddalore District, the NLC was established in 1950 by the Government of India to exploit the same and for the uninterrupted mining activities and generation of power by the NLC and it requires large extent of land(s) in and around Neyveli. Further, the land is the raw-material for the NLC and annually, the NLC requires



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about 500 acres of land for its mining activities. Further, acquisition of land(s) for the NLC is a continuous process and it is not a one-time measure. The NLC pays the compensation determined by the Land Acquisition Officers in terms of the provisions of the Land Acquisition Act as well as the enhanced compensation, if any, as determined by the concerned Court in the case of competent proceedings under Section 18 of the Land Acquisition Act. Apart from paying the statutory compensation, the NLC also extends certain rehabilitation measures, such as employment, alternative site, dismantling charges, etc., to the land owners, subject to satisfaction of the terms of the applicable schemes framed in consultation with the Government of Tamil Nadu from time to time on humanitarian grounds. Further, there is no statutory compulsion for extending the employment opportunities (rehabilitation measures) till the new Central Act 30 of 2013 came into force on 01.01.2014.

19. The learned counsel appearing for the respondents 1 and 5 / NLC also contended that the statutory compensation determined by the Land Acquisition Officers had been paid to the petitioners and their family in accordance with law. The enhanced compensation under Section 18 also had been paid to them long back. The possession of the lands were taken decades ago and it was put to use for the purpose for which it was acquired. Hence, the present Writ Petitions claiming employment for the lands acquired three decades ago, is barred by delay and laches. There is no violation of any of the conditions whatsoever.

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Further, under the conditions and norms applicable to the Awards passed upto 30.06.1989, a total number of 2480 names were sponsored by the Revenue Authorities in 8 lists and now of the lists sponsored by the District Collector, contained the name of the petitioner's son. A large number of persons had been included by the Revenue Authorities, in more than one list. Out of the persons sponsored by the Revenue Authorities, after scrutiny and verification by the NLC, 1827 persons had been appointed against regular posts. In July 2000, the Government of India imposed a ban on fresh appointments. Thus, a total number of 1827 persons have been taken in by the NLC from and out of the persons displaced owing to acquisition of their lands under the Land Acquisition Act. It is the further submission of the learned counsel appearing for respondents 1 and 5/NLC that none of the lists contained the name of the son of the petitioner and all the eligible persons pertaining to the Awards passed from 01.01.1977 to 30.06.1989 including the final 629 list, had been considered by the NLC and the employment was also provided accordingly. As per the decision of the District Collector meeting held on 27.09.1995, 629 lists was the final list and no further claims for the Awards passed for the period 01.01.1977 to 30.06.1989 would be entertained. Therefore, according to the learned counsel appearing for respondents 1 and 5/NLC, it is not possible for the NLC to consider the request of the petitioners for his son, who had been admittedly born five/two years after acquisition of the lands. The rehabilitation measures are over and

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above the statutory liability on humanitarian grounds to tide over the immediate displacement. There would be no element of difficulty of displacement or other hardship after about three decades from the date of acquisition. In the year 1975, the petitioner was inducted into the NLC from the Government of Tamil Nadu and appointed as Graduate Assistant/Science in the NLC School and the NLC Schools are run by the NLC and they are considered as NLC employees for many respects. The petitioner was given due promotion and had retired as Headmaster of the NLC School on 31.05.2008. Similarly, the petitioner's wife Smt.R.Jayalakshmi was also appointed in the NLC during the year 1978 as Typist and after due promotion, she had retired from the services of the NLC as Manager/HR on 31.05.2017. As such, it is clear that the petitioners and his wife were employed in the NLC even prior to acquisition of the lands of the petitioner and his family and continued in service till 2008 and 2017. Under the norms for employment, in cases where one person from a displaced family, is in the employment of NLC having been employed otherwise than under the Land Acquisition quota, such family would be eligible for one but not more than one job opportunity for another member of that family under the displaced persons quota, subject to fulfilling all the other norms.

20. It is also submitted by the learned counsel appearing for respondents 1 and 5/NLC that in cases where two or more persons from a displaced family are in the employment of the NLC, whether appointed normally, or under the



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Land Acquisition quota, no other members of the same family shall be considered under the Land Acquisition quota. Therefore, the petitioners deliberately waited till his retirement and started making representation seeking employment for his son, who was not even born at the time of acquisition of the land(s), which is not permissible under law. While taking this Court to the counter affidavit filed by respondents 1 and 5/NLC, it is submitted by the learned counsel for the respondents 1 and 5 that though, earlier, a Writ Petition was filed by the petitioners in W.P.No.14169 of 2014, the representation dated 25.07.2017 of the petitioners was considered in conjunction with the available materials and the norms of the scheme and it was found that the claim of the petitioners(s) was not only stale and dead one, but also ineligible under the scheme for employment and the same was intimated to the petitioners by the NLC by the impugned order dated 23.08.2017. Therefore, there is no illegality or infirmity in the impugned order passed by the first respondent/NLC. Since the petitioners already obtained compensation and even the enhanced compensation, the petitioner and his wife were employed in the NLC and they have retired on 31.05.2008 and 31.05.2017 respectively. At the time of the acquisition of the land(s), the son of the petitioner was not even born and though the acquisition is made only during the year 1984 and the application for employment of his son was made only in the year 2010. The main object of the rehabilitation measures is only to maintain and tide over the immediate displacement of the persons due

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to acquisition of properties, whereas, the petitioner's case does not fall under the relevant scheme and therefore, W.P.No.24678 of 2018 is liable to be dismissed as such.

21. While making his submissions in respect of W.P.No.24679 of 2018, the learned counsel appearing for respondents 1 and 5/NLC made almost similar submissions as above. Particularly, he contended that from the records available with the NLC, it is found that the lands comprised in S.Nos.115/5 - 0.38.5 and 124/9 - 0.08.3 of the lands of the petitioner and the lands comprise in S.Nos.1/131 - 0.05.5 and 130/6 - 0.22.0 of the petitioner's father, namely Shri.Krishnan situated in the village of Aziz Nagar, Cuddalore District, were acquired under the provisions of the Central Act, namely Land Acquisition Act of 1894, by Award Nos.14 of 1985, dated 25.11.1985, 5 of 1987, dated 23.04.1987, 3 of 1984, dated 29.02.1984 and 10 of 1987, dated 22.10.1987. The statutory compensation determined by the Land Acquisition Officer had been paid to the petitioner and his family in accordance with law. The enhanced compensation under Section 18 also had been paid to them long back. The possession of the lands, had been taken decades ago and it was put to use for the purpose for which it was acquired. The petitioner had not surrendered the house with house-site. Hence, the present Writ Petition claiming employment for the lands acquired about three decades ago, is barred by delay and laches. It is further contended by the learned counsel for the respondents 1 and 5/NLC that under

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the conditions and norms applicable to Awards upto 30.06.1989, a total number of 2480 names were sponsored by the Revenue Authorities in eight lists and none of the lists sponsored by the District Collector contained the name of the petitioner's son.

22. Learned counsel appearing for respondents 1 and 5/NLC also submitted that there is no proof for surrender of the house-sites. Further, the petitioner's son was not even born at the time of acquisition and re-employment scheme is meant to relieve the immediate displacements of persons due to acquisition of the property(ies). It is not a statutory right conferred under any law. The second respondent has no right or power to repeatedly recommend or alter the details of the eligible persons even after two decades of the acquisition of the property(ies). The eligible candidates list was sponsored and the petitioner's son's name is not found in the list and at that time, the petitioner's son was not even born. Only the land was acquired and the compensation was obtained and enhancement application was also made. There is no scheme to provide employment for the son of the petitioner.

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

24. Admittedly, the petitioners' land(s) was/were acquired and it is not in dispute that the Award was also passed. The petitioners have also applied for enhancement of compensation and they have also received the same under Section 18 of the old Land Acquisition Act of 1894. Apart from compensation,



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admittedly, there is a rehabilitation scheme and if any land(s) is/are acquired, and there is rehabilitation measure, apart from paying statutory compensation, the NLC (Neyveli Lignite Corporation) has also extended certain rehabilitation measures, such as employment, alternative site, dismantling charges, etc., to the land owners, subject to satisfaction of the terms of the applicable schemes framed in consultation with the Government of Tamil Nadu from time to time on humanitarian grounds. There is no statutory compulsion for extending the employment opportunities till the new Central Land Acquisition Act of 2013 (Right to Fair Compensation, and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013), which came into force from 01.01.2014.

25. Admittedly, the land(s) was/were acquired in the year 1984 and at that time, the petitioner in W.P.No.24678 of 2018 was working in the NLC School as Graduate Assistant and later he retired in 2008 as Headmaster. The wife of the petitioner in W.P.No.24678 of 2018 was working as Typist and she had retired from service in the year 2017 itself as Manager/HR. Further, even at the time of acquisition, the son of the petitioner was not born and earlier, he made an application for his daughter, who completed XII Std., and later she got married and thereafter, the petitioner made an application only in the year 2010 for his son, though the land(s) was acquired during 1984 itself, and the compensation was also received. At the time, both the petitioner and the wife



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were in service in the NLC and therefore, there is no immediate displacement and the petitioner had also admitted that only in 2010, he made application.

Though the first respondent initially made recommendation and the second respondent also made recommendation, the first respondent rejected the same and has not passed positive order as sought for by the petitioner(s) and hence, the petitioner earlier filed a writ petition before this Court, in W.P.No.14169 of 2014, in which, this Court, by order dated 12.05.2017, directed the respondent(s) therein to consider the representation (dated 23.10.2013) of the petitioner seeking appointment to his son, on merits and in accordance with law. Thereafter, the second respondent considered the matter and made recommendations and the first respondent rejected the same and has not passed order earlier, he filed W.P.No.14169 of 2014 and this Court also directed to consider the representation on merits and in accordance with law. Thereafter, the second respondent also considered and that the petitioners was working as Graduate Assistant and later he retired as Headmaster in the NLC School on 31.05.2008. The wife of the petitioner in W.P.No.24768 of 2018 also joined as Typist in 1970 even prior to the acquisition and she retired as Manager in 2017. Therefore, the petitioner in W.P.no.24678 of 2018 and his wife were working for a long time even prior to the acquisition till 2007 and retired in 2008 and thereafter, he made application for his son and therefore, the scheme for employment is only for the eligible persons for the purpose and therefore, the

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earlier Writ Petition was disposed of and there is no merit in the same.

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26. The employment is sought for persons who were not at all born at the time of acquisition of the land(s) in question in 1984 and 1987. Even the petitioner(s) has/have not surrendered the house-site(s) and only the land(s) alone was acquired and the compensation paid and the petition for enhancement of compensation was also filed and and the same was also paid. They have made application in the year 2013 and after a long delay of 30 years. The petitioner(s) has/have also not surrendered the house-sites. They had made application immediately. Though the second respondent prepared a list for eligible persons in which the petitioners' children's names were not found and the petitioners' family were not found and they have not challenged the said list. They have also not made any application immediately.

27. Admittedly, at the time of acquisition or immediate relief, the acquisition and the petitioners' children were not born and the second respondent is only the recommending authority and already, they have sent the list of eligible candidates and the first respondent has also followed the rules. Subsequently, there was a ban imposed by the Central Government in July 2000 on fresh appointments. Already, the second respondent sponsored employment and totally, 1827 persons were employed. Admittedly, the petitioner's family were not found. It is also admitted that already, some amount of compensation was paid and since the petitioner(s) did not satisfy with that, they have filed



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application for enhancement of compensation and also received the enhanced compensation. The petitioners are not eligible for seeking employment for the persons under the scheme of the NLC. Even the children of the petitioners, were not born at the time of acquisition of the land(s) and after they are attaining majority by the person who was not born Subsequent to the acquisition of the land(s). The rehabilitation schemes are meant only to alleviate the immediate displacement of the persons due to acquisition of the properties. It is not stated to be a right conferred under any law. Providing employment to displaced persons is neither mandatory, nor is there any statutory compulsion. It is depending upon the various factors like suitability of the persons concerned and the satisfaction of various norms and the guidelines approved from time to time and also with reference to various priorities under which the candidates belong to. The job particulars were offered purely on compassionate grounds and not out of the legal compulsion.

28. Admittedly, the petitioner(s) seek for employment under displacement quota for their children/son, who were not even born at the time of acquisition of the properties and there was ban in the year 2010 and 2013 respectively. After 30 years of acquisition. The NLC promised the petitioners to consider and provide employment as and when vacancies arise and not established and the immediate displacement. The main object of the rehabilitation measures is not a statutory right and it is only provided to tide over the minimum displacement,

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whereas admittedly, the petitioners were at the time of acquisition employment under the NLC. Therefore, there is no question of immediate displacement that had arisen to run the family, and if the petitioner(s) is/are losing their land(s) and find it difficult to manage their family, in order to avoid the hardship, the scheme of employment rehabilitation, was provided, for acquisition of the land(s).

29. Admittedly, the petitioners' family do not fall under the scheme of employment, more so, the petitioners' children/sons were not eligible at the time of the scheme or within the reasonable time. They have made graduation only after 30 years after the acquisition proceedings were initiated. Therefore, in the above circumstances, and considering the facts and circumstances of the case and also taking into account the impugned orders, and also considering the direction given in the earlier Writ Petition as discussed above, this Court does not find any infirmity or illegality in the impugned orders.

30. Finding no merits, these Writ Petitions are dismissed. There shall be no order as to costs. Consequently, W.M.Ps. are closed.

19.06.2024

Index: Yes/no

Speaking Order: Yes/no

Neutral Case Citation: Yes/no

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To

1. The Special Deputy Collector,
Land Acquisition, Neyveli.
2. The Speecial Tahsildar/Land Acquisition Officer,
Neyveli-2.
3. The District Collector,
Cuddalore District,
Cuddalore.

P.VELMLURUGAN, J

CS

Pre-delivery order in

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Order Pronounced on

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