



W.P.No.26448 of 2014

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 12.06.2024

CORAM

THE HON'BLE MRS. JUSTICE **R.KALAIMATHI**

W.P.No.26448 of 2014
and
M.P.No.1 of 2014

S.Anand

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep.by its Secretary,
Labour and Employment Department,
Fort St.George,
Chennai-600 009.
2. Oil and Natural Gas Corporation Ltd.,
Rep.by its General Manager(HR),
Head HR-ER & Support Manager,
Cauvery Asset,
Office of Head-ER & Support Manager,
Neravy Office Complex,
Karaikal-609 604.
- 3.The District Collector,
Collectorate,
Nagapattinam.

...Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the concerned records from the 2nd respondent, quash the order of the 2nd



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respondent dated 31.07.2014 bearing KKL/CA/LAQ/LEGAL/GCS KUT/2014 and consequently direct the 2nd respondent to consider and appoint the petitioner in the suitable post of the 2nd respondent after taking into consideration of the educational qualification of the petitioner in accordance with G.O.Ms.No.656, Labour and Employment dated 28.6.1978 issued by the 1st respondent, within the time frame stipulated by this Court.

For Petitioner : Balan Haridas

For Respondents : Mr.S.Rajesh
Government Advocate [R1, R3]

Mr.M.Vijayan
for M/s.King & Patridge [R2]

ORDER

Land was acquired from the petitioner's father at Nagapattinam by the 2nd respondent in order to establish Gas Collection Station and Helium Extraction Plant. In the course of acquisition proceedings based on the private negotiation, land price was finalised and assurance was given to the father of the petitioner to the effect that job will be given to the owners of the land, whose lands have been acquired under G.O.Ms.No.656 dated 28.06.1976. The petitioner who has completed B.Tech Degree, on application to the 2nd respondent to provide employment as it was not considered, this writ petition is filed.



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2. The petitioner submits that his father R.Shankaran had owned lands measuring 0.16.50 Hectares comprised in R.S.No.594/4, Kuttalam Revenue Village, Nagapattinam District. The said lands were acquired by the 2nd respondent, namely, Oil and Natural Gas Corporation Limited, for the purpose of establishment of Gas Collection Station and Helium Extraction Plant. The respondents/Government also gave administrative approval for acquisition of land.

3. The petitioner further submits that in the course of acquisition proceedings, assurance was made by the District Collector, General Manager-HR, the 2nd respondent and Senior Officers of the 2nd respondent to the effect that the job will be given to the owners of the land, whose lands have been acquired in terms of G.O.Ms.No.656, dated 28.06.1978. Petitioner has completed B.Tech Degree and submitted application on 27.09.2012 to the 2nd respondent to provide him suitable employment as his father's lands were acquired by the 2nd respondent.

4. As per the said G.O., atleast one member from the displaced family due to the land acquisition should be provided employment without



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reference to the Employment Exchange.

5. Heard Mr.Balan Haridas, learned counsel appearing for the petitioner and Mr.M.Vijayan, learned counsel appearing for the 2nd respondent and Mr.S.Rajesh, learned Government Advocate appearing for the respondents 1 and 3.

6. Mr.M.Vijayan, learned counsel appearing for the 2nd respondent would contend that the petitioner filed W.P.No.34412 of 2013, seeking for consideration of his representation by the ONGC dated 27.09.2012 and 19.11.2012 and as per Order of this Court dated 03.07.2014, his representation on consideration was rejected. For the acquisition of the land, father of the petitioner was paid a sum of Rs.46,32,680/- as land cost. He would further contend that Government Order mentioned by the petitioner would only apply to the State Public Sector Undertakings. It is his further argument that Recruitment and Promotion Regulations, 1980 is being followed in the matters of selection and recruitment of employees to ONGC.

7. To buttress his argument, the following judgment was referred



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to:

Nuclear Power Corporation of India Ltd., (A Government of India Undertaking), Project Site, Kudankulam-627 106, Radhapuram Taluk, Tirunelveli District, through its Project Director (Vs.) 1. Heirlin Jeya Sutha, 2. The Government of Tamil Nadu, Through its District Collector, Tirunelveli, wherein, the Hon'ble Division Bench of this Court has held that in a similar case filed against Nuclear Power Corporation of India Ltd., (A Government of India Undertaking), by an individual, it has been observed that "... 1st respondent has to show that the scheme is prevailing in the appellant-Corporation and the same has been violated by the appellant. It is pertinent to note that as far as the Government Order is concerned, it is only an administrative instruction having no legal binding on the individual or any undertaking, not covered by it, and, it would be strange to contend and hold that it is persuading the appellant to provide employment at least to one of the members of the family, whose land was covered by acquisition.

8. The Hon'ble Division Bench of this Court further held that the ratio laid down by the Hon'ble Supreme Court is that in the absence of any scheme, the question of providing employment would not arise. To put it in



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a nutshell, since no scheme is available in the Appellant-Corporation, the 1st respondent cannot expect any employment on preferential basis.

9. The petitioner relied upon the G.O.Ms.No.656, Labour and Employment Department, dated 28.06.1978 issued by the Government of Tamil Nadu in the matters of providing employment assistance to the families displaced on account of acquisition of land.

10. Obviously, the said Government Order is issued by the Government of Tamil Nadu and it is meant for the State Public Sector Undertakings.

11. The learned counsel for the petitioner strenuously contended that based on the undertaking given by the respondents to the effect that employment will be provided to the person whose lands were acquired by ONGC and evidencing that the Officers of the 2nd and 3rd respondent have signed in the said undertaking. He would further contend that based on the said undertaking, the 2nd respondent is under obligation to provide suitable employment to the petitioner as vast extent of lands of father of the petitioner were acquired for the purpose of establishing Gas Collection Station and Helium Extraction Plant.



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Therefore, the doctrine of estoppel would not apply against the public authorities when their mistaken advice or representation is found to be in breach of statute. In matters of providing employment, if at all any scheme is available in the respective Corporation, the petitioner can at the best expect to be provided with employment on preferential basis. As there is no scheme available in the 2nd respondent Corporation, then the question of giving any employment would not arise.

13. Based on the aforesaid legal position, and the ratio laid down by the Hon'ble Supreme Court in the matters of providing employment in the Public Sector Undertakings in the absence of any scheme, for providing employment, the petitioner cannot lay a claim.

14. With these observations, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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ssn



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Index: Yes / No
Speaking Order / Non Speaking order

To

1. The Secretary,
Government of Tamil Nadu,
Labour and Employment Department,
Fort St.George,
Chennai-9.
2. The General Manager(HR),
Oil and Natural Gas Corporation Ltd.,
Head HR-ER & Support Manager,
Neravy Office Complex,
Karaikal-609 604.



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3.The District Collector,
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Nagapattinam.

R.KALAIMATHI, J.,

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