



W.P.No.35683 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.01.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35683 of 2023
and
W.M.P.No.35658 of 2023

1.P.Moorthy

2.M.Ponmanam

...Petitioners

-Vs-

1.The Chairman,
Tamil Nadu Electricity Board
No.800, Anna Salai
Chennai – 600 002.

2.The Chief Engineer,
North Chennai Thermal Power Project
Ennore, Chennai.

3.The District Collector,
Thiruvallur District,
Thiruvallur.

4.The Tahsildar
Ponneri Taluk,
Ponneri
Thiruvallur District.



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5. The Secretary to Department
Labour and Employment Department
Government of Tamil Nadu
Secretariat, Chennai – 600 009.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus calling for the records and proceeding in கடிதஎண்.த.பொ.:சி.பராவ.செ.அமி.நி-1 வேலைவாய்ப்பு/எண்.8932018, dated, 16.08.2018, and the consequential order in க.எண்.தபொ/ மே.பொ/ மே.பொ/ சீ.பரா/ வசெ.அமி.நி-1 /வேலைவாய்ப்பு/எண்.1487/dated 25.03.2019, of the 2nd respondent and quash the same and direct the respondents 1 and 2 to provide employment to the 2nd petitioner in the 1st respondent Board.

For Petitioners	: Mr.S.Kamesh Kannan
For R1 & R2	: Ms.V.M.Sreenidhi for M/S.Agam legal
For R3 to R5	: Mr.S.Rajesh Government Advocate.

ORDER

This Writ Petition has been filed challenging the impugned order dated 25.03.2019 passed by the second respondent, thereby rejected the application seeking for employment for acquisition of land owned by the 1st petitioner's father.

2. Heard the learned counsel appearing on either side and perused the materials available on record.



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3. The 1st petitioner's father owned land comprised in Survey No. 970/1 situated at Vallur Village, Ponneri Taluk, Thiruvallur District. It was acquired for the purpose of constructing Housing Quarters and for laying of road for the employees of North Madras Thermal Power Project. In the year 1990, the 1st petitioner's father received compensation for the land acquired for the said purpose. As per G.O.Ms.No.656, Labour and Employment, dated 29.06.1978, the employment assistance has to be given to one of the members of each family from whom the lands were acquired for the said purpose. Even till the year 2005, no application was made for employment of any of the family members of the land owner. The first petitioner made an application on 24.10.2005 seeking employment for his son viz, the second petitioner herein.

4. A perusal of the records reveals that there is no proof to show that the first petitioner submitted an application seeking appointment on 24.10.2005. Subsequently, he made an application on 20.02.2019 seeking employment for the second petitioner. It was rejected by the impugned order dated 25.03.2019. Hence, the writ petition.



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5. The learned counsel appearing for the petitioners submitted that though it was filed belatedly, the second petitioner, being the grandson, is entitled for employment for the land acquired from his grandfather. Though the application dated 24.10.2005 was duly received in the impugned order, it was not referred by the second respondent. He also cited the Judgment of this Court in ***W.P.No.34725 of 2007 dated 24.06.2013*** in the case of ***R.Balaji Vs. The Chairman, Tamil Nadu Electricity Board, Chennai and others***, in which, this Court held that the grandson is entitled for employment on the land owned by his grandfather and when the land was acquired by the Tamil Nadu Electricity Board on the ground that father and grandfather are aged about 70 years and 90 years respectively. He also cited another Judgment of this Court in ***W.P.Nos.26956, 26958, 26526 & 26529 of 2018 dated 25.08.2022***, in which, this Court held that the delay in filing the application seeking employment also would show since the Board proceedings in B.P.No.14/2018 was issued only in the year 2018 and as such, three years limitation cannot be put against the petitioners, since the land was acquired in the year 1990.

6. In the case on hand, admittedly, the land owned by the 1st petitioner's father, was acquired in the year 1990. The petitioner as well as the



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original land owner slept over the matter, without any employment, till the year 2019. Immediately, the second respondent considered the application and it was rejected by the impugned order dated 25.03.2019 on the ground that the grandson is not entitled for any employment for the acquisition of land owned by the grandfather, since the land owner, son of the land owner, wife, unmarried daughter and adopted son are only entitled to have employment for the acquisition of land.

7. A perusal of the proceedings dated 31.05.1983 issued by the Chief Engineer, reveals that the acquired land should have been the only or major source of sustenance for that family which fact should be certified by the Superintending Engineer concerned. Appointment shall be given to self or wife/husband/son/unmarried daughter, legally adopted son of the land owner. The above conditions may be strictly be followed.

8. Insofar the delay is concerned, the Board proceedings which is referred in the order dated 16.08.2018, shows that the request made by the first petitioner was rejected only on the ground that the grandson is not entitled to seek any employment on the acquisition of the land owned by his grandfather.



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Thereafter, without challenging the earlier order dated 16.08.2018, the first petitioner made another application seeking employment, it was rejected by an order dated 25.03.2019. Therefore, the question of delay does not arise in this case. Even assuming that the claim of the first petitioner was rejected on the ground of delay, since the land was acquired in the year 1990, after a period of 29 years, the first petitioner made an application seeking employment for his son viz., the second petitioner. That apart, the request was rejected by an order dated 25.03.2019. This Writ Petition has been filed only in the year 12.12.2023 i.e., after a period of 5 years. This Writ Petition itself is not filed within a reasonable time.

9. In view of the above, this Court finds no infirmity or illegality in the order passed by the second respondent and the writ petition lacks merits and it is liable to be dismissed. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Internet: Yes

Index : Yes/No

Speaking/Non Speaking order

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- 5.The Secretary to Department
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Government of Tamil Nadu
Secretariat, Chennai – 600 009.
6. The Public Prosecutor,
High Court, Madras.



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