



W.P.(MD)No.5977 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on : 04.07.2024

Pronounced on : 31.07.2024

CORAM:

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

W.P.(MD)No.5977 of 2021
and
W.M.P.(MD)No.3688 of 2021

M.Veeran

... Petitioner

Vs.

The General Manager – Human Resource,
Tamilnadu Newsprint and Papers Limited,
Mondipatti,
K.Periyapatti (Post),
Manaparai Taluk,
Tiruchirappalli District – 621306.

... Respondent

Prayer : This Writ Petition filed under Article 226 of Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records of the impugned order of UII/HR/EST/20/1197 dated 01.09.2020 passed by the respondent and quash the same and consequently direct the respondent to give a job to one of the petitioner family member.



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For Petitioner : Mr.R.Murugappan

For Respondent : Mr.M.Ajmal Khan, Senior Counsel
for Mr.M.P.Senthil

ORDER

The Writ Petition is directed against the order dated 01.09.2020 passed by the respondent Company and for directions to the respondent Company to give a job to one of the member of the writ petitioner's family.

2. The case of the writ petitioner is that the writ petitioner's land in Mondipatti Village, Manaparai Taluk, Trichy District, was acquired and at the time of acquisition, the respondent Company has assured that job will be given to any one member of the family of the persons whose lands were acquired, that the respondent Company has not provided any job to the writ petitioner's family, that the writ petitioner has sent a requisition dated 20.07.2020 providing job as per the assurance given by them, that the respondent Company has sent the impugned communication dated 01.09.2020 rejecting the claim of the writ petitioner and that therefore the writ petitioner was constrained to approach this Court by filing the present writ petition.



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3. The respondent has filed a counter affidavit admitting the acquisition of writ petitioner's land but denied the alleged assurance given by them to give job to the writ petitioner's family at the time of acquisition and taken a stand that the respondent Company has fixed norms and one of the criteria is that minimum land acquired should be 41 cents, that the writ petitioner is not eligible for claiming employment under the Land Given Category as they have acquired only 15 cents of land belonging to the writ petitioner and that therefore the respondent Company has rightly rejected the writ petitioner's claim.

4. Heard Mr.R.Murugappan, learned counsel appearing for the writ petitioner and Mr.M.Ajmal Khan, learned Senior Counsel appearing for the respondent.

5. It is not in dispute that Tamil Nadu Government, in order to establish Multi Layer Double Coated Paper Board Unit TNPL Unit-II at Manaparai, has acquired lands in Mondipatti, K.Periyapatti (North) and Chettichathiram Villages in Manaparai Taluk under the Tamil Nadu Acquisition of Land for Industrial Purposes Act, 1997.



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6. After acquisition of lands in Mondipatti Village, the land givers have made a request to the respondent Company to provide employment in the unit to be established. The Board of Directors, in their meeting considering the requisition of the land givers in Mondipatti Village and expecting such a request from other two villages K.Periyapatti (North) and Chettichathiram and taking note of the fact that they have already provided employment to the land givers for construction of factory in Kagithapuram Unit-I, they have decided to provide employment and approved the guidelines.

7. The learned Senior Counsel appearing for the respondent has produced the copies of the Board resolutions dated 12.11.2014 and 13.08.2019 and also the copies of the interim and final award dated 14.08.2014 and 20.03.2019 respectively. It is evident from the Board resolution dated 12.11.2014 that they have approved the guidelines for providing employment under the Land Given Category for Unit-II and the relevant guidelines are extracted hereunder for better appreciation;

“.....

5)Land to be the only or major source of sustenance

The land acquired should have been the only or major



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source of sustenance on the date of passing the award.

....

10)Minimum land criteria

The minimum land acquired should be 41 cents & above

The Board also resolved that when the entire land belonging to a family has been acquired and the family has no other land in other areas too, employment may be provided by relaxing the condition to minimum area of 41 cents subject to availability of vacancy at the sole discretion of the company.”

8. In the said resolution, though they have fixed the operative period of the scheme as 5 years from 01.11.2014 to 31.10.2019, in the subsequent resolution passed on 13.08.2019, they have extended the operative period of the scheme for further period of three years i.e., upto 31.10.2022.

9. The respondent, in the counter affidavit, has specifically stated that the writ petitioner and others had partitioned their joint properties situated in Survey Nos.7/2, 7/4, 7/6, 7/7, 11/1 and 11/2A at Mondipatti Village, Manaparai Taluk, vide partition deed dated 24.12.2010 bearing Document No.8475/2010 and that the writ petitioner was allotted with an extent of 1.43½ acres as his share in the said partition.



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10. The respondent, in the counter affidavit, has further stated that out of the land of 1.43½ acres allotted to the writ petitioner, an extent of 10 cents in Survey No.7/2 and another extent of 5 cents in Survey No.7/4 totalling 15 cents was acquired by the Land Acquisition Officer for establishing TNPL Unit-II and that further compensation of Rs.1,58,478.48 was disbursed to the writ petitioner by invoking the Right to Fair Compensation and Transparency in Land Acquisition, Rehabilitation and Resettlement Act, 2013.

11. It is pertinent to note that the writ petitioner has neither denied nor disputed the above factual aspects stated in the counter affidavit of the respondent.

12. As rightly contended by the learned Senior Counsel appearing for the respondent, since an extent of 15 cents alone was acquired from the writ petitioner and the minimum land criteria was not satisfied, the writ petitioner has become ineligible for claiming employment under the Land Given Category.



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13. As already pointed out, after the acquisition of 15 cents, the writ petitioner is having 1.28½ acres of land in Mondipatti Village and as such, the contention of the writ petitioner that the writ petitioner's only land was acquired and he is a landless poor, is proved to be incorrect.

14. As rightly pointed out by the learned Senior Counsel appearing for the respondent, the Constitution Bench of the Hon'ble Supreme Court, in the case of *Secretary, State of Karnataka and others Vs. Umadevi and others* reported in **2006 (4) SCC 1**, has specifically held that adherence to the rule of equality in public employment is a basic feature of our Constitution and since the rule of law is the core of our Constitution, a Court would certainly be disabled from passing an order upholding a violation of Article 14 or in ordering the overlooking of the need to comply with the requirements of Article 14 read with Article 16 of the Constitution. The Hon'ble Apex Court in catena of decisions has come down heavily on permitting back door entry.

15. It is pertinent to note that recruitments are to be made in accordance with law and rules and no appointment can be made in



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violation of the same and that no recruitment will be permitted through back door. But the Hon'ble Supreme Court has permitted some exceptions such as offering employment to the land givers at the time of acquisition. Since it comes under excepted category, the authorities have to follow the rules and guidelines scrupulously and no deviation whatever can be permitted.

16. Considering the facts and circumstances of the present case and taking note of the legal position above referred, the impugned order rejecting the claim of the writ petitioner is perfectly in order and the same cannot be found fault with. Consequently, this Court concludes that the writ petition is devoid of merit and the same is liable to be dismissed.

17. In the result, this Writ Petition is dismissed. Consequently, connected Miscellaneous Petition is closed. No costs.

31.07.2024

NCC :yes/No
Index :yes/No
Internet:yes/No
csm



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K.MURALI SHANKAR,J.

csn

Pre-Delivery Order made in
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and
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Dated : 31.07.2024