



W.P. No.21266 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.03.2025

CORAM :

THE HONOURABLE Ms. JUSTICE **R.N.MANJULA**

W.P.No.21266 of 2019

S.Durai

... Petitioner

Vs.

1.The Chairman,
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai-2.

2.The District Collector,
Thiruvallur District,
Thiruvallur.

3.The Chief Engineer/Personnel
Tamil Nadu Generation and Distribution Corporation Ltd.,
No.144, Anna Salai, Chennai-2.

4.The Chief Engineer,
North Chennai Thermal Power Station,
Chennai-120

5.The Superintending Engineer,
North Chennai Thermal Power Station,
Chennai-120.

6.The District Revenue Officer,
Thiruvallur District,
Thiruvallur.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records connected with the impugned Government order passed by the 4th respondent in Lr.No.CE / NCTPS-I / SECM / AEE.LA / JE / F.LA / D1359 / 19, dated 18.01.2019 and quash the same and consequently direct the respondents to provide suitable employment to the petitioner,s son Thiru. D. Pugalentheï in the respondent's board.

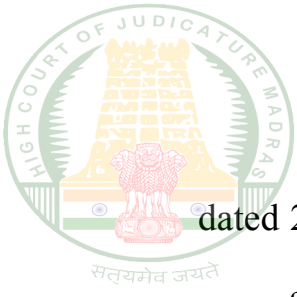
For Petitioner : Mr.Ravichandran S.N

For Respondents : Mr.Anand Gopalan
For M/s.Aham Associates

ORDER

This Writ Petition has been filed challenging the impugned Government order passed by the 4th respondent in Lr.No.CE/NCTPS-I/SECM/AEE.LA/JE/F.LA/D1359/19, dated 18.01.2019, quash the same and consequently direct the respondents to provide suitable employment to the petitioner's son Thiru. D. Pugalentheï in the respondent's board.

2. The petitioner's father's land was acquired by the Government for the construction of North Chennai Thermal Power Station, which was the only source of sustenance for his family. As per the Board proceedings No.3

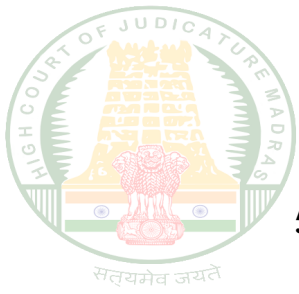


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dated 25.01.1990, the Government has assured employment assistance to any one of the family members of the land losers. The petitioner submitted an application pursuant to the said Board Proceedings, but it was not considered. Hence, the petitioner has filed a writ petition in W.P.No.6665 of 2016, in which the direction was given to the respondents, on considering the claim of the petitioner for employment assistance.

3. The learned counsel appearing for the petitioner submitted that the petitioner's name was recommended by the District Revenue Officer and the recommendation was forwarded to the District Collector.

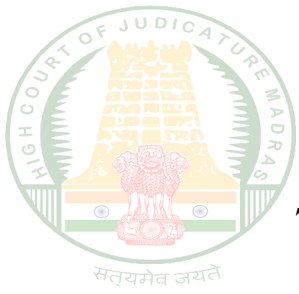
4. The learned counsel appearing for the respondents submitted that the Government had issued a notification to the respondents stating that the family members eligible under the scheme would be included only the landowner, spouse, son and unmarried daughter of the land loser and not grandson. However, the Government Order supporting this claim has not been produced.



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5. The learned counsel appearing for the petitioner submitted that there have been several instances, where grandsons were employed under similar circumstances. Considering the series of orders of this Court by issuing positive directions, employment has been given to various persons of the family members, which is inclusive of grandson also. One such appointment was given to Kamalakannan on 22.11.2016. The impugned communication dated 18.01.2019, it is stated that the petitioner has to furnish the copies of his representation and reminder along with proof of delivery in order to verify his claim.

6. It is to be noted that the petitioner had already filed a writ petitions in the year 2006 in W.P.No 6665 of 2006 along with various other petitioners, in which directions were subsequently given. Following this, the District Revenue Officer conducted an enquiry in respect of the petitioner's claim and the Tahsildar issued a certificate as proof of delivery. Based on this, the District Revenue Officer has sent his recommendation on 11.05.2017.



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7. Having received such documents, it is unfair on the part of the respondents to initiate the matter once again from the beginning as if the petitioner had not produced any proof of delivery. Since the petitioner has already been identified as the person eligible for employment due to the acquisition of their land and he has been recognized as the nominee of the family that lost the land, it would have been fair for the respondents to consider the petitioner's application based on the recommendation already sent by the District Revenue Officer.

8. The learned counsel appearing for the respondents further submitted that for the acquisition which has been made in the year 1993, the petitioner first submitted his application only in the year 2006 and the delay should be held against him. He further submitted that the grandson of the landowner cannot be considered for appointment.

9. The learned counsel appearing for the petitioner submitted that the application had been given as early as 1997. Since his petition was not considered for several years, he was forced to file a writ petitioner and hence,



the delay was not on his part.

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10. In the earlier writ petition, it was stated in paragraph 4 that he had submitted written representation on 10.07.2004 & 21.08.2005. However, it is seen that the affidavit has been given by one Paramasivam while the petitioner's name is Durai S/o.Subramani. The petitioner, Durai, did not produce any proof that he had submitted any application. Nevertheless, the respondent has initiated action pursuant to the directions in the writ petition.

11. As per the Board Proceedings of the respondent dated 25.01.1990, which would show the conditions for employment assistance, if a land losing family does not have a male or a member not physically fit either due to age or physical infirmities, the family may nominate his/her relatives or appointment and such nomination is a one time affair and shall not be revoked or altered when once the said nominee is appointed.

12. In the instant case, the petitioner's father is a male member. In such case, the petitioner must establish that his father had neither preferred



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and nomination was also not made in his favour. However, these factual matrix can be dealt by the respondents without insisting the petitioner to produce the proof of delivery before proceeding with the file. Pursuant to the recommendation received by the respondent from the District Revenue Officer in respect of the petitioner's eligibility, the final decision must be made in accordance with the rules applicable for employment assistance and in light of various judicial pronouncements rendered in this regard.

13. With this observation, this Writ Petition is disposed of and the impugned order is hereby set aside. The respondent is directed to consider the petitioner's application within a period of six weeks from the date of receipt of a copy of this order. No costs.

18.03.2025

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Index : Yes/No

Speaking Order : Yes/No

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