



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.04.2025

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THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P. No.26115 of 2019

G.Vasantha,
D/o.Nagappan,
No.53/10, Anbalagan Street,
Korukkuper, Anna Nagar,
Chennai 600 004.

...

Petitioner

Vs.

- 1.Tamil Nadu Electricity Board
Rep. by its Chairman,
N.P.K.K.R. Maligai,
Anna Salai, Chennai600 002.
- 2.Tamil Nadu Generation and Distribution
Corporation represented by its Managing Director,
N.P.K.K.R. Maligai,
Anna Salai, Chennai600 002.
- 3.The Chief Engineer (Personnel)
Tamil Nadu Electricity Board,
N.P.K.K.R. Maligai,
Anna Salai, Chennai600 002.
- 4.The Chief Engineer,
North Madras Thermal Power Project,
Stage-I, North Chennai, Chennai 57.
- 5.The District Collector,
O/o the Collectorate,



Thiruthani Main Road,
Thiruvallore 602 001.

...

Respondents

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Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records in connection with the impugned order /Letter viz reference No.166 dated 13.02.2018 issued by the 4th respondent and quash the same and direct the respondents 1, 2 and 3 to provide suitable employment within the period stipulated by this Court and pass such further orders as this Court may deem fit and proper in the facts and circumstances of the case.

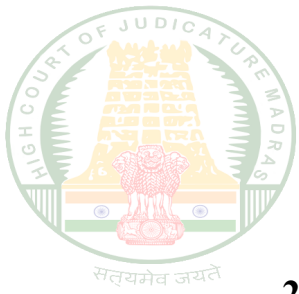
For Petitioner : Mr.K.Krishnamoorthy

For Respondents : Ms.V.M.Sreenidhi, Standing Counsel
for Agam Legal Associates for RR1 to 4

: Mr.A.M.Ayyadurai, G.A. for R5

ORDER

The writ petition has been filed challenging the impugned order /Letter viz reference No.166 dated 13.02.2018 issued by the 4th respondent and to direct the respondents 1, 2 and 3 and to provide suitable employment within the period stipulated by this Court.



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2. Heard Mr.K.Krishnamoorthy, learned counsel for the petitioner, Ms.V.M.Sreenidhi, learned Standing Counsel for the respondents 1 to 4 and Mr.A.M.Ayyadurai, learned Government Advocate for the 5th respondent and perused the materials available on record.

3. The petitioner claims that the petitioner's mother is the land owner . The petitioner's grand daughter's husband is the nominee. The lands comprised in Survey No. 164/8C was acquired by the 1st respondent for construction of the North Chennai Thermal Power Station through the Special Tahsildar (Land acquisition) by award No.2/1992 dated 27.02.1992. As the petitioner had given the lands for public purpose, the petitioner claims appointment to the members of his family or his nominee for job assistance which has been assured in the Government Order issued in [G.O.Ms.No.656](#), Labour and Employment, dated 29.06.1978.

4. As the petitioner has not been given with any job assistance, he has filed various writ petitions along with the people of her village, in which a direction has been given to consider the representation of the petitioner.



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After considering the petitioner's representation, an order was passed vide letter No. 022944/109/G64/G642/2013-7 dated 21.02.2013 stating that the petitioner has requested for the employment of person who does not fall under the relationships of son, unmarried daughter, wife or husband. Hence the said application for employment is not admissible as per the current rules and hence the application is rejected. Aggrieved by the same the petitioner has filed W.P. No. 6776 of 2014 challenging the impugned order, in which this court by order dated 19.10.2016 had set aside the impugned order with a direction to consider the case and pass appropriate order. The relevant portion of the order is extracted below:

"5. Accordingly, the impugned order is set aside and the matter is remanded back to the 1st respondent, with a direction to consider the case of the petitioners afresh and to pass appropriate orders, in the light of the G.O.Ms. No. 656, Labour and Employment, dated 29.06.1978 as well as the Board proceedings vide B.P. Per (FB) No.3, Administrative Branch, dated 25.01.1990, with regard to providing suitable employment to the petitioners of a family member of the petitioners in the Electricity Board, within a period of eight weeks from the date of receipt of a copy of this order".

5. The petitioner states that despite clear directions were given from this Court, the 1st and 2nd respondents failed to comply and that prompted to file Contempt Petition No. 1840/2017, where the 1st and 2nd respondent



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issued rejection vide letter 166 of 13.02.2018 introducing new grounds stating that the compensation itself has not been granted due to family disputes and doubts on actual land giver. It is further alleged that the petitioner had given the application after a lapse of 25 years, and hence the petitioner's prayer is affected by delay and laches.

6. The learned counsel for the petitioner submitted that the respondent is taking new ground each time when some orders have been passed and challenged before this Court continuously.

7. The learned counsel for the respondent submitted that according to B.P. No. 24, dated 10.1.1980, eligible persons stated in the memorandum dated 21.3.1983 was amended to include only the adopted son and not any other nominees of the landowner. It is further submitted that there is a dispute among the family and hence the compensation itself has not been settled to the petitioner.

8. The fact that land in Survey No.164/8C at Puzhuthivakkam Village, Ponneri Taluk, which was acquired by the 1st respondent for construction of

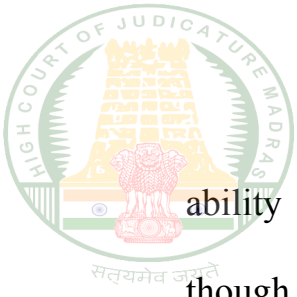


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the North Chennai Thermal Power Station, was not denied. In this regard a government order has already been passed in [G.O.Ms.No.656](#), Labour and Employment Department, dated 29.06.1978. According to the above government order, the scope of displaced family is inclusive of the owner of the land or the cultivating tenants or varamdar. However, the appropriate authority shall confirm whether the land is the major source of sustenance for the family whose lands were acquired.

9. The petitioner has been claiming that the subject land was the only source of income for the family, and hence the petitioner's family is very much an affected family who is eligible to get job assistance as per the scheme issued under [G.O.Ms.No.656](#), Labour and Employment Department, dated 29.06.1978.

10. Even in the impugned order, it has been stated by the 4th respondent that there has been a family dispute among the family members and hence nobody had come forward to even receive compensation. It is considered that there is an ambiguity regarding the actual land giver. The main grounds for rejecting the petitioner's job application are the delay, the

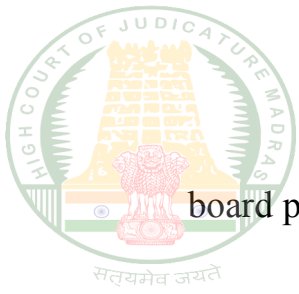


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ability for sustenance and the relationship status of the nominee. Even though the board proceedings categorized the members under the definition of 'family' for the purpose of job assistance, the government order has adopted only the term 'displaced family'.

11. In B.P.Per (FB) NO.3 also it is inclusive of a nominee or relative for appointment, in case the displaced family does not have a male member or a member who is not physically fit either due to age or physical infirmities, etc. Unless any members of the petitioner's family disputes the nomination made by the petitioner for the benefit of job assistance, there need not be any trouble in the minds of the respondents to reject the nominee on the ground of subsequent reduction of the size of the definition of the family.

12. So far as this petitioner is concerned, she made her first application in 2004-2005. The petitioner's lands were acquired in the year 1992, and at the relevant point of time, B.P.Per(FB) No. 3, dated 25.01.1990, was very much in existence and operative. So the petitioner's case cannot be considered by looking into the later amendments brought in

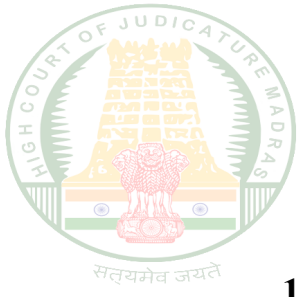


board proceedings.

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13. The petitioner is said to have given her first application in the year 2004-2005, but no finality has been given to her application until the date of the impugned order. The petitioner has filed various litigations before the Court and was running pillar to post to get job assistance. In such case, the petitioner cannot rest on the reasoning of delay without appreciating the application on other aspects. One of the reasons assigned in the impugned order is that if the petitioner's family was able to cope up for the last 25 years, it cannot be presumed that the petitioner's family was depending on the land and that the job assistance only would save them from penury.

14. The survival of the petitioner's family for nearly 25 years would have been challenging. The petitioner's family cannot be expected to prove their economical insufficiency by not choosing to survive all these years. It shall not be fair on the part of the respondents to rest on their own delay caused in disposing the applications of the petitioner and then state that the petitioner's family was sound enough to maintain themselves so long, without appreciating the quality of their life.



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15. In view of the above stated reasons, this writ petition is **disposed** and the impugned order/letter, viz., reference No. 166 dated 13.02.2018, issued by the 4th respondent is set aside. The respondents 1 to 3 are directed to consider the application of the petitioner afresh and pass orders within a period of four weeks from the date of receipt of a copy of this order by taking into consideration of the observation now made in this writ petition

21.04.2025

[2/2]

Index: Yes/No
Internet: Yes/No
Speaking /Non-speaking order
jrs



R.N.MANJULA, J.

jrs

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To

- 1.Tamil Nadu Electricity Board
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Anna Salai, Chennai 600 002.
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