



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.26113 of 2019

K.Ganesan

S/o. Kannapan Naicker,
541, Perumal Koil Street, Sepakkam,
Vallur Post, Ponneri Taluk,
Thiruvallur District.

...

Petitioner

Vs.

1.Tamil Nadu Electricity Board
Rep. by its Chairman,
N.P.K.K.R. Maligai,
Anna Salai, Chennai 600 002.

2.Tamil Nadu Generation and Distribution
Corporation represented by its Managing Director,
N.P.K.K.R. Maligai,
Anna Salai, Chennai 600 002.

3.The Chief Engineer (Personnel)
Tamil Nadu Electricity Board,
N.P.K.K.R. Maligai,
Anna Salai, Chennai 600 002.

4.The Chief Engineer,
North Madras Thermal Power Project,
Stage-I, North Chennai, Chennai 57.

5.The District Collector,
O/o the Collectorate,

1/10



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.168 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.

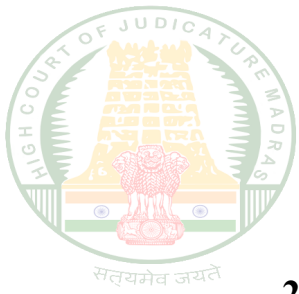
For Petitioner : Mr.K.Krishnamoorthy

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.168 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 R5 and perused the materials available on record.

3. The petitioner claims that he is the owner of the lands comprised in Survey No. No.175/2B, at Puzhuthivakkam Village, Ponneri Taluk, which 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, in which a direction has been given to consider the representation of the petitioner. After considering the petitioner's



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representation, an order was passed on 13.7.2013 stating that the compensation itself has not been settled for the land in Survey No. 175/2B because there has been a dispute with regard to the title of the property. Further, it is alleged that the terms of the scheme are that only family members, namely son/daughter, wife/husband, and the landowner alone, are eligible to be considered for employment, and there is no provision to provide employment for the daughter-in-law of the landowners. 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.

5. 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.

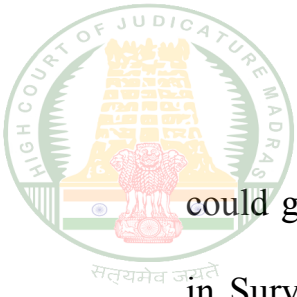
6. The learned counsel for the respondent submitted that according to B.P. No. 24, dated 10.1.1980, eligible persons have stated in the memorandum dated 21.3.1993 that it has been amended to include only the adopted son and not any other nominees of the landowner. It is further submitted that there is a land dispute between the petitioner and one



Ramachandran, and hence the compensation itself has not been settled to the petitioner.

7. The fact that land in Survey No.175/2B, at Puzhuthivakkam Village, Ponneri Taluk, which was acquired by the 1st respondent for construction of 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.

8. 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. So far as the dispute about the title of the land is concerned, it appears that Ramachandiran does not raise any dispute and he



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could give his consent letter from his family members stating that the lands in Survey No. 175/2B belongs to the petitioner only and that they do not have any objection to grant any rehabilitation by providing job assistance to the petitioner's family.

9. Even in the impugned order, it has been stated by the 4th respondent that the family of Ramachandiren should give no objection if at all the petitioner's application for job assistance is considered positively. The main grounds for rejecting the petitioner's job application are the delay and the relationship status of the nominee. Even though the board proceedings issued had short the members under the definition of 'family' for the purpose of job assistance, the government order has adopted the term 'displaced family' only.

10. 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



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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.

11. So far as this petitioner is concerned, he made his 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. The petitioner's lands were acquired when the earlier board proceedings were in force.

12. The petitioner is said to have given his first application in the year 2004-2005. But no finality has been given to his 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 reason 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 not able to cope up for the last 25



years and 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.

13. The survival of the petitioner's family for nearly 25 years may have been challenging and the petitioner's family cannot be expected to prove their economical insufficiency by not choosing to survive all these years and by loosing of their life. It shall not be fair on the part of the respondents to rest on their own delay for not disposing the applications of the petitioner and state that the petitioner's family is sound enough to maintain themselves, without examining the quality of their life.

14. In view of the above stated reasons, this writ petition is **disposed** and the impugned order/letter, viz., reference No. 168 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 by taking into consideration of the observation now made in this writ petition along with the affidavit given by the legal heirs of Ramachandiran stating that they do not have any right over the property and they do not have any objection to consider any of the nominees of the petitioner for providing job assistance



and pass orders within a period of four weeks from the date of receipt of a copy of this order.

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21.04.2025

[1/2]

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

To

1. Tamil Nadu Electricity Board
Rep. by its Chairman,
N.P.K.K.R. Maligai,
Anna Salai, Chennai 600 002.
2. Tamil Nadu Generation and Distribution
Corporation represented by its Managing Director,
N.P.K.K.R. Maligai,
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4. The Chief Engineer,
North Madras Thermal Power Project,
Stage-I, North Chennai, Chennai 57.



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R.N.MANJULA, J.

jrs

5.The District Collector,
O/o the Collectorate,
Thiruthani Main Road,
Thiruvallore 602 001

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