



WEB COPY

WP No. 26212 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

**RESERVED ON** : **29.06.2026**  
**PRONOUNCED ON** : **08.07.2026**

CORAM

**THE HON'BLE MS. JUSTICE P.T. ASHA**

**WP No. 26212 of 2023**

**AND**

**WP NO. 4326 OF 2025, WMP NO. 4841 OF 2025, WP NO. 4415 OF 2025, WMP NO. 4929 OF 2025, WMP NO. 10304 OF 2026, WMP NO. 10303 OF 2026, WMP NO. 10302 OF 2026, WMP NO. 10301 OF 2026, WMP NO. 10317 OF 2026, WMP NO. 10306 OF 2026, WP NO. 26060 OF 2024, WMP NO. 28469 OF 2024, WMP NO. 25623 OF 2023**

1. K.Baskaran
2. P.Chandrasekaran
3. G.Mohan
4. K.Munusamy
5. V.Sampath
6. S.Malathi
7. K.Sujatha
8. A.Somasekar
9. D.Sriram
10. D.Murugan
11. K.Saranya



12.S.Srividhya

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WP No. 26212 of 2



..Petitioner(s)

Vs

1. State Of Tamilnadu  
Rep. By Secretary To Government, Industries  
Department , St. George Fort, Chepauk,  
Chennai
2. District Collector  
District Collector Office, Ranipet, Ranipet  
District
3. The Director /hr  
Bharat Heavy Eletricals Ltd., Bhel House, Siri  
Fort, New Delhi 110 049
4. Executive Director  
Bap/ Bharat Heavy Eletricals Ltd., Ranipet,  
Ranipet District
5. Indira Gandhi Industrial Complex  
Industrial Servcie Co-op Society Ltd., Bhel  
Industrial Complex , Mukuntharayapuram,  
Ranipet 632 406

..Respondent(s)

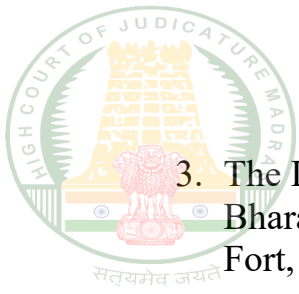
**WP No. 4326 of 2025**

M.Murali

..Petitioner(s)

Vs

1. State Of Tamilnadu  
Rep. By Secretary To Government, Industries  
Department, St.George Fort, Chennai.
2. District Collector,  
District Collector Office, Ranipet, Ranipet  
District.



3. The Director/hr,  
Bharat Heavy Electricals Ltd, Bhel House, Siri  
Fort, New Delhi-110049

4. Executive Director,  
Bap/bharat Heavy Electricals Ltd, Ranipet,  
Raniet District.

5. Indira Gandhi Industrial Complex Industrial  
Service Co-op Society Ltd,  
Bhel Industrial Complex, Mukuntharayapuram,  
Ranipet-632 406, Rep By Its Administrator.

..Respondent(s)

**WP No. 4415 of 2025**

M.Balu

..Petitioner(s)

Vs

1. State Of Tamil Nadu  
Rep By Secretary To Government, Industries  
Department, St. George Fort Chepauk,  
Chennai.

2. District Collector  
District Collector Office, Ranipet, Ranipet  
District.

3. The Director / Hr  
Bharat Heavy Electricals Ltd, Bhel House,  
Siri Fort, New Delhi- 110 049.

4. Executive Director  
Bap/ Bharat Heavy Electricals Ltd, Ranipet,  
Ranipet District.

5. Indira Gandhi Industrial Complex Industrial  
Service Co- Op Society Ltd  
Bhel Industrial Complex, Mukuntharayapuram  
Ranipet - 632 406.

..Respondent(s)



Venkatesh

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WP No. 26212 of 2



**WP No. 26060 of 2024**

..Petitioner(s)

Vs

1. State Of Tamil Nadu  
Rep By Secretary To Government, Industries  
Department St. George Fort Chepauk Chennai
2. District Collector  
District Collector Office Ranipet, Ranipet  
District
3. The Director / Hr  
Bharat Heavy Electricals Limited Bhel House,  
Siri Fort New Delhi 110 049
4. Executive Director  
Bap / Bharat Heavy Electricals Limited Ranipet  
Ranipet District
5. Indira Gandhi Industrial Complex Industrial  
Service  
Co-op Society Limited Bhel Industrial  
Complex, Mukuntharayapuram Ranipet 632 406

..Respondent(s)

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus calling for the proceedings of the 5th respondent dated 20.07.2023 quash the same and consequentially direct the 4th respondent to absorb us as its permanent employees from 10.06.2019 the date of our appointment on par with the absorbed employees of the 5th respondent.

**WP No. 4326 of 2025**

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Calling for the proceedings of the 5th respondent dated 20.07.2023,quash the same and



consequently direct the 4th respondent to absorb the Petitioner as its permanent employee from 10.06.2019, the date of his appointment on par with the absorbed employees of the 5th Respondent

**WP No. 4415 of 2025**

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Calling for the proceedings of the 5th respondent dated 20.07.2023, quash the same and consequentially direct the 4th respondent to absorb the petitioner as its permanent employee from 10.06.2019 the date of his appointment on par with the absorbed employees of the 5th respondent

**WP No. 26060 of 2024**

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of Certiorarified Mandamus Calling for the proceedings of the 5th respondent dated 20.07.2023, quash the same and consequentially direct the 4th respondent to absorb the petitioner as its permanent employee from 10.06.2019, the date of his appointment on par with the absorbed employees of the 5th respondent.

For Petitioner(s): Ms.A.B.Fathima Sulthana

For Respondent(s): Mr.K.Sathish, GA for R.1 and R.2.

Mr.K.Ravindran, Senior Counsel for Mr.P.John for R.3 and R4.

R5- No appearance



## COMMON ORDER

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WP.No.26212 of 2023 has been filed for the following reliefs:-

*“calling for the proceedings of the 5th respondent dated 20.07.2023 quash the same and consequentially direct the 4th respondent to absorb us as its permanent employees from 10.06.2019 the date of our appointment on par with the absorbed employees of the 5th respondent.”*

2. WP.No.4326 of 2025 has been filed for the following reliefs:-

*“Calling for the proceedings of the 5th respondent dated 20.07.2023,quash the same and consequentially direct the 4th respondent to absorb the Petitioner as its permanent employee from 10.06.2019, the date of his appointment on par with the absorbed employees of the 5th Respondent.”*

3. WP.No.4415 of 2025 has been filed for the following reliefs:-

*“Calling for the proceedings of the 5th respondent dated 20.07.2023, quash the same and consequentially direct the 4th respondent to absorb the petitioner as its permanent employee from 10.06.2019 the date of his appointment on par with the absorbed employees of the 5th respondent.”*

4. WP.No.26060 of 2024 has been filed for the following reliefs:-

*“Calling for the proceedings of the 5th respondent dated 20.07.2023,*



*quash the same and consequentially direct the 4th respondent to absorb the petitioner as its permanent employee from 10.06.2019, the date of his appointment on par with the absorbed employees of the 5th respondent.”*

5. Since common arguments have been advanced in all the above writ petitions and the controversy that is sought to be addressed is the same, a common judgment is being pronounced.

6. A brief resume of the facts that has given rise to the above writ petitions are as follows:

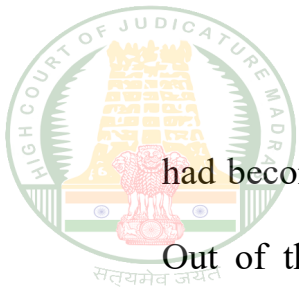
7. In the year 1980 nearly 1400 acres of land belonging to the petitioners and several to others situate at Narasingapuram, Mukundarayapuram, Vadakkal, Lalapet and Seekkarapuram of the North Arcot District (now Ranipet District) was acquired by the 4<sup>th</sup> respondent/Bharat Heavy Electrical Limited (the 3<sup>rd</sup> and 4<sup>th</sup> respondents hereinafter referred to as the “BHEL”). The lands were acquired for the purpose of putting up a Boiler Auxiliaries Plant.

8. At the time of acquisition, the land owners whose land had been acquired were assured not only compensation but also a job opportunity for a family member at BHEL. The petitioners would submit that, since a



considerable period of time was taken to provide the compensation and employment assured by BHEL, several writ petitions came to be filed in this regard. Ultimately, by orders passed in W.A. No. 1275 of 2008 (Batch) and W.P.No.25480 of 2008, employment opportunities were provided to the land losers, based on their educational qualifications by the District Level Scrutiny Committee presided over by the District Revenue Officer, in the presence of the land losers and representatives of BHEL. Out of the 124 applications received from the land losers, appointment orders were issued to 109 applicants. The claims of the remaining 15 applicants were rejected on the ground that they did not possess the requisite educational qualifications.

9. It is the contention of the petitioners that, since their claim for employment had been rejected, they submitted several representations to the concerned authorities seeking suitable employment. Pursuant to their representations, several meetings were convened by the District Collector, Vellore, with the representatives of BHEL. On 05.03.2019, a meeting was held between the land losers and the representatives of BHEL in the presence of the District Collector, Vellore, at the District Collectorate. In the said meeting, it was unanimously resolved that 8 out of the 15 members would be provided employment with the 5th respondent, as per their respective educational qualifications. As regards the remaining 7 members, it was recorded that they

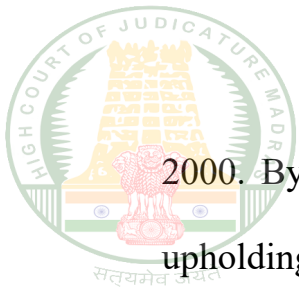


had become overaged, having crossed the age of superannuation, i.e., 60 years.

Out of these 7 members, one was a person with disability and another had passed away. It was, therefore, decided that employment would be offered to their legal representatives. Such appointment was made subject to the legal representatives obtaining appropriate orders from this Court permitting their nomination. Pursuant to the orders obtained from this Court, the nominees of 7 such land losers had joined the services of the 5th respondent, though they were otherwise qualified to be appointed by the 4th respondent.

10. Prior to the aforesaid proceedings, it appears that, in the year 1990, the Union of the BHEL Canteen Workers had raised a demand that the workmen employed by the 5th respondent be conferred with permanent status. This demand was raised even before the petitioners had joined service. Ultimately, by order dated 03.12.1997, this Court had directed the Labour Court to adjudicate the issue after taking into consideration the objections raised by BHEL. Thereafter, by an Award dated 17.12.1999 passed in I.D. No. 93 of 1992, the Labour Court held that the canteen was being run by BHEL and, consequently, directed that the workmen be conferred with permanent status with effect from 23.11.1987, together with all consequential monetary benefits.

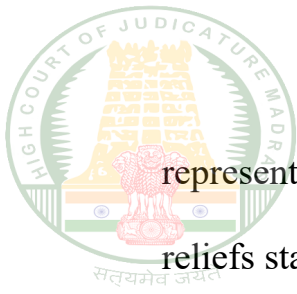
11. The said Award was challenged by BHEL in W.P. No. 10861 of



2000. By order dated 04.01.2010, this Court had dismissed the writ petition, upholding the award passed by the Labour Court. However, the effective date for conferring permanent status on the employees was modified from 23.11.1987 to 17.12.1999, with a direction to pay 50% of the differential wages. Thereafter, the writ appeal, the review petition, and the Special Leave Petitions preferred by BHEL had been held against them.

12. It appears that the 37 employees of the 5<sup>th</sup> respondent society had been absorbed into BHEL. As a result of which the 5<sup>th</sup> respondent was left with less than 25 employees and they had become defunct. Therefore, they had informed the petitioners through the impugned orders dated 20.07.2023 that they could join the services of the other cooperative societies that is operating within the campus of BHEL.

13. Aggrieved by the impugned order, the petitioners had submitted representations dated 28.07.2023, 04.07.2024, and 23.09.2024 to the 4th respondent seeking appointment as permanent employees, in terms of the assurance given in the meeting held on 05.03.2019, and on par with the other employees of the 5th respondent who have been absorbed as permanent employee by BHEL, taking into consideration the fact that they had acquired higher educational qualifications. However, no action has been taken on the said

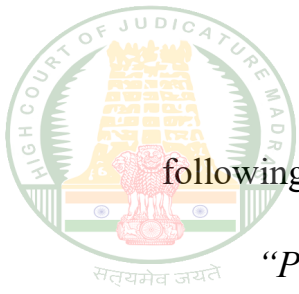


representations. Hence, the present writ petitions have been filed seeking the reliefs stated supra.

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14. The 3rd and 4th respondents (BHEL) have filed counter affidavits in all the writ petitions. Since the contentions raised in all the counter affidavits are more or less identical, the counter affidavit filed in W.P. No. 26212 is extracted in brief hereinbelow:

15. In the counter, the 3<sup>rd</sup> respondent had contended that in order to locate their Boiler Auxiliaries Plant in Ranipet North Arcot District lands were acquired in and around Ranipet under GO.Ms.No.81, Industries Department dated 27.01.1981. In the said Government Order certain incentives were offered to the families of the land losers in the form of employment. BHEL had also granted employment to a number of persons in and around Ranipet in all totalling 548 persons by 1991. Thereafter, challenging the non implementation of the terms of Go.Ms.No.81, a writ petition came to be filed and the same was disposed of by orders of this Court dated 20.06.1991. Meanwhile, due to several agitations organised by land losers, meetings were held and steps were taken to employ many more persons under the land loser category. However, being dissatisfied with the steps taken by BHEL a number of Writ Petitions came to be filed and a common order dated 18.09.1995 was passed in which the



following directions have been passed:-

*“Para 6: All these writ petitions are dispose of with the direction that (a) such of the petitioners who claim to have lost their lands, shall be considered, in preference to others subject to verification of their claim and subject to their” suitability; qualification, experience, etc. and (b) such of the petitioners who are now in employment, will be considered for regularization as and when vacancies arise in the regular cadre”*

16. This order was challenged by the 4<sup>th</sup> respondent before the Division Bench and by order order dated 05.02.1996, the Division Bench had passed the order following orders:-

*“While maintaining the directions issued by the learned single Judge we further make it clear that as and when the vacancy or vacancies arises in BHEL for which appellants are eligible, they shall be considered first for those vacancies before considering others and if the Appellants are found eligible they are entitled to be appointed in such vacancies”.*

17. As a number of land losers were not satisfied with the efforts of BHEL in providing employment to them, they filed several writ petitions. This Court, by a common order dated 13.05.2008 in WP No. 4113 of 1998 batch, had passed the following orders:-



“43. Therefore, this Court hereby orders appointment of a Screening

Committee comprising of the following persons:

- (1) The District Revenue Officer (North Arcot District) – Convener
- (2) The Revenue Divisional Officer, Ranipet
- (3) The Tahsildar, Wallajah – Secretary
- (4) The Additional General Manager (HR&C), BHEL, Ranipet
- (5) The Deputy General manager (Law), BHEL, Ranipet
- (6) The Manager (HR), BHEL, Ranipet.

The meetings of the Screening Committee shall be convened by the District Revenue Officer and its Secretary will be the Tahsildar, Wallajah. If any difference of opinion crops up or any clarification is required, the same may be referred to the District Collector, North Arcot District for his consideration and opinion and be resolved accordingly.

The District Collector (North Arcot) is hereby directed to notify the constitution of the Screening Committee and also give adequate publicity to the land losers to appear before the Committee with necessary records. The Committee shall examine the claims of all the writ petitioners (excepting those cases which have been rejected by this Court) within a period of three months from the date of receipt of a copy of this order and to recommend to BHEL for grant of suitable appointments to the eligible land losers. Till the said exercise



*is completed, the respondent BHEL cannot proceed with any other appointment to the categories which the land losers are eligible. In case where some of the land outsees are not able to be given employment, the respondent BHEL shall also direct the contractors engaged by them, to employ those persons as was done by the directions approved in the Banwasi Seva Ashram's case (cited supra).”*

18. This order came to be challenged both by BHEL as well as the petitioners before the Division Bench. By order dated 29.09.2010, the Division Bench had passed the following orders:-

*“30. This issue regarding employment under the displaced land owners category was pending since 1981. It is in the interest of both the land owners and BHEL to put an end to this issue at the earliest point of time. Somehow or the other the matter has been dragged for years together Therefore it is high time that the entire /ssae be resolved by examining individual cases by the Screening Committee appointed by the learned Single Judge. While issuing he notification calling for applications from the displaced land owners, the Screening Committee should make it clear that no more applications would be received in respect of acquisition made for BHEL as per G.O.Ms.No.87 dated 27.1.1981. It should be the endeavor of the Screening Committee to conclude the matter as expeditiously as possible and in any case, within a period of six*



*months from date of receipt of a copy of this judgment. It is made clear that in case there are no immediate vacancies to accommodate these people, it would*

*be open to the Screening Committee to prepare a list of the candidates and depending upon the vacancies they could be given employment by BHEL, of course, with reference to the qualification required for the particular post.*

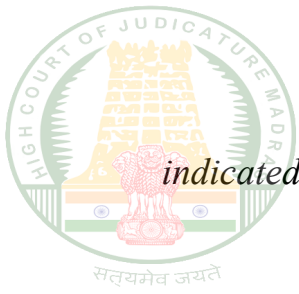
*31. Therefore, we do not find any merit in the contention raised by the appellants in Writ Appeal Nos. 874 to 890 of 2008, 896 to 910 of 2008, 970 to 987 of 2008, 1276 and 1277, 1009 to 1022 of 2008, 1332 of 2008.*

*Connected Writ Petitions:*

*The writ petitions filed by the displaced land owners in W.P.Nos. 25480, 17981 to 17984 of 2008, 21875, 26150, 26451 to 26453, 29404, 14616 to 14617 of 2008 also raises the very same issues. Therefore such claims could be decided by the Screening Committee to be constituted as per the order passed by the learned Single Judge. Accordingly, we direct the Screening Committee to issue notice to the writ petitioners and consider their claims on merits and as per law.*

*DISPOSITION: -*

*In the result, appeals filed by the land owners in WA.. Nos. 1275 and 1333 to 1335 of 2008 are dismissed. The appeals filed by BHEL in W.A. Nos. 874 to 890 of 2008, 896 to 910 of 2008 are also dismissed. The Petitions filed by the displaced land owners in W.P. Nos. 25480, 17981 to 17984 of 2008, 21875, 26150, 26451 to 26453, 29404, 14616 to 14617 of 2008 are disposed of as*

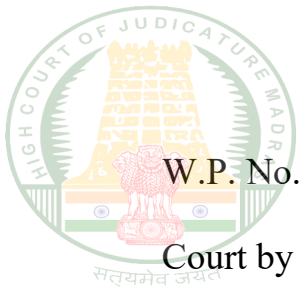


*indicated above. Consequently, the connected MP's are closed. No Costs''*

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19. This order was not challenged any further and has therefore attained finality. Thereafter, in compliance with the directions of the Court, the Scrutiny Committee had considered the eligibility of the various applicants and recommended 124 persons for employment on 08.12.2011. These 124 applicants had fulfilled the eligibility criteria. Out of them, 109 were employed in BHEL as they possessed the requisite qualifications. The remaining 15 were not selected as they did not possess the requisite qualifications for being employed in BHEL. Subsequently, the 5th respondent had directed them to report for duty. However, instead of joining duty, the said 15 land losers filed various writ petitions, approached the District Collector as well as the Revenue Authorities, and also resorted to agitations. The BHEL had clearly given their undertaking that they were willing to comply with the orders of this Court. Ultimately, after the meeting held before the District Collector, the remaining persons had agreed to join the 5th respondent and the same was minuted by the District Collector in the proceedings dated 05.03.2019.

20. Meanwhile, out of the 15 persons, 8 had taken up employment. As regards the remaining 7, 5 of them had reached the age of superannuation, 1 was physically challenged, and the other had passed away. Therefore, they filed



W.P. No. 9614 of 2019 seeking employment for their legal representatives. This Court by order dated 01.04.2019 had passed the following orders:-

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*"1) The writ petition filed by (a) C.Kannan-W.P.No.10924 of 2013 (Petitioner No: 1). (b) Devanani-W.P.No.11183 of 2013 (Petitioner No:2), (c) S.Padma W.P.No.13215 of 2013 (Petitioner No: 4) (d) D.Kannan-W.P.No.10104 of 2014 (Petitioner No:3) and (e) Malliga-W.P.No.12326 of 2014( For Petitioner No:6) by some of Land losers shall be withdrawn by the Petitioners.*

*2) The Legal heirs of the land loser, who are being given employment with Indcoserve, should obtain an undertaking from the other legal heirs, that no one else in the family/extended family shall claim employment in place of the original allottee and consequently the legal heir, who is being given employment, and in case of any dispute, unless the dispute is resolved, no one would be entitled for the employment with Indcoserve.*

*3). The Respondent will request Indcoserve to provide the petitioners/their representatives (as mentioned in the affidavit) employment and their service will be governed as per rules of Indcoserve.*

*4). The legal heirs of the deceased/over-aged/seriously ill person, should make an application to Indcoserve, after getting orders from the Hon'ble High Court, to consider them in place of the actual allottee for employment, as a special case.*



5). *As the original allottee was to work with Indcoserve, they will also work with Indcoserve only.*

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6). *The said persons, who will be getting employment with Indcoserve, should give an undertaking that they will not claim, either for themselves or anyone claiming through them, backwages for the period from the date of the letter, granting them employment with Indcoserve till date of joining.*

7) *The Basic monthly emoluments will be provided to these persons by Indcoserve, according to the norms of Minimum Wages Act. However, additional eligible allowances may be considered to these legal heirs by INDCOSERVE as per their policy.*

8) *That these legal heirs will not be ousted before they reach the age of superannuation, except pursuant to disciplinary action that may be initiated for a misconduct and shall be granted employment as per the Minutes of Meeting of the District Collector dated 05.03.2019 granted to similar placed persons.*

9). *The appointment orders will be issued by Indcoserve to these legal heirs of the land losers.”*

21. Pursuant to the order of this Court, the services of 101 employees were regularised. Meanwhile, the 5th respondent society was wound up as the number of members had fallen below 25. BHEL would submit that they are in no way responsible for the petitioners, as they do not pay the salaries of the



petitioners. That apart, the 5th respondent society is a separate entity. Therefore, BHEL would submit that the petitioners can seek employment in any other society within the precincts of their factory. They would therefore seek dismissal of the writ petitions.

22. The 5th respondent has more or less taken the same defence in their counter. They would submit that the petitioners were engaged by them and that, as the 5th respondent has become defunct, it is open to the petitioners to seek employment in another cooperative society functioning within the factory premises of the 4th respondent. They have also sought dismissal of the writ petitions.

### **SUBMISSIONS:-**

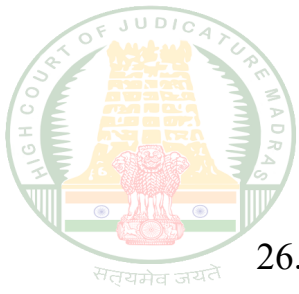
23. Ms,Fathima Sulthana, learned counsel appearing on behalf of the petitioners would advance her argument based upon the earlier challenge by BHEL to the order of the Labour Court in WP.No.10861 of 2000. She would rely upon Para.no. 101 of the said judgment where the learned Judge had observed that the workers of the Canteen are from the regular work force of BHEL and caters only to the needs of the workers of BHEL. She would submit that similarly the petitioners herein were exclusively executing the work of BHEL and therefore they are entitled to be absorbed by BHEL. She would also



rely upon Para.No. 102 of the said judgment where the learned Judge had observed that the employees worked continuously and therefore held that they would be entitled to 50% of differential wages. Ultimately, the Writ Petition was allowed with a modification regarding the effective date as 17.12.1999 and payment of differential wages.

24. She would further submit that this order was taken up on challenge in WA.No.875 of 2020 by BHEL which was also dismissed. The Division Bench had also considered the fact that the Canteen catered exclusively for the needs of the workforce of BHEL and no outsiders were permitted in. That apart, the Division Bench had taken note of the fact that the control of the employees of the Canteen vested in the hands of BHEL and the 5<sup>th</sup> respondent Society had minimal control over them. Therefore, she would contend that the case on hand should also be considered on the similar lines.

25. She would submit that it was BHEL that had forwarded the applications of the petitioners to the 5<sup>th</sup> respondent and it was on their instructions that the petitioners had been taken on in employment by the 5<sup>th</sup> respondent. Therefore, she would submit that since the 5<sup>th</sup> respondent has become defunct and the petitioners are executing the work of BHEL, the petitioners herein are entitled to the same order as extended to the petitioners in WP.NO.10861 of 2000.



26. Per contra, Mr.K.Ravindran, learned counsel appearing on behalf of BHEL would contend that the petitioner cannot seek to be treated on the same lines as the petitioners in WP.No.10861 of 2020. He would submit that the two stand on totally different spheres. The petitioners in that Writ Petition were workers of the Contractor employed in BHEL's Canteen. The petitioners herein, on the other hand are claiming a concession based on the fact that they are land losers whose lands had been acquired for the purpose of setting up a Boiler Auxiliaries Plant under GO.Ms.No.81, Industries Department dated 27.01.1981.

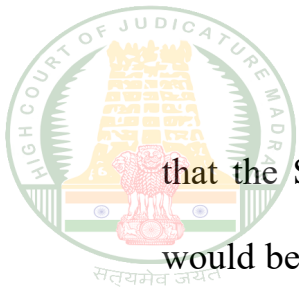
27. He would draw the attention of the Court to the order of his Court in a Batch of Writ Petitions filed by the land losers in WP.No.4113 of 1998 etc. dated 13.05.2008 seeking employment with BHEL. In its order this Court had appointed a Screening Committee to verify the genuineness and correctness of the applications for appointment and he would rely upon Para.44 of the said order where the learned Judge had observed that after persons were found eligible and suitable for appointment the Committee would recommend their employment to BHEL. In the case of applicants found unsuitable and BHEL is not able to engage their services, BHEL shall direct the contractors engaged by them to employ those found ineligible. He would submit that this order was taken on challenge both by the petitioners as well as BHEL and by order dated 29.09.2010 in WA,NO.1275 of 2008 etc and WP. No.25480 of 2008 etc, The



Writ Appeals filed by BHEL as well as the land owners was dismissed and the Writ Petition filed by the loser losers to grant employment was disposed of with the following observations in Para. No.30 therein as follows:-

*“30. The issue regarding employment under the displaced land owners category was pending since 1981. It is in the interest of both the land owners and BHEL to put an end to this issue at the earliest point of time. Somehow or the other the matter has been dragged for years together Therefore it is high time that the entire issue be resolved by examining individual cases by the Screening Committee appointed by the learned Single Judge. While issuing he notification calling for applications from the displaced land owners, the Screening Committee should make it clear that no more applications would be received in respect of acquisition made for BHEL as per G.O.Ms.No.87 dated 27.1.1981. It should be the endeavor of the Screening Committee to conclude the matter as expeditiously as possible and in any case, within a period of six months from date of receipt of a copy of this judgment. It is made clear that in case there are no immediate vacancies to accommodate these people, it would be open to the Screening Committee to prepare a list of the candidates and depending upon the vacancies they could be given employment by BHEL, of course, with reference to the qualification required for the particular post.”*

28. He would, by emphasising on the observations of this Court, submit

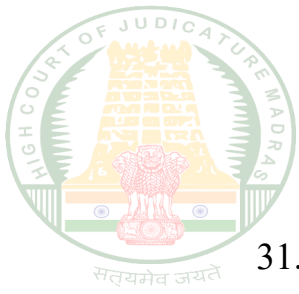


that the Screening Committee should make it clear that no more applications would be received. He would submit that out of the total of 124 applicants (land losers) 109 were provided employment and the remaining 15 who did not possess the requisite qualifications were to be provided employment with the contractors of BHEL. Initially, the said 15 land losers were insisting on being employed by BHEL and have moved several petitions. Ultimately, in a joint meeting with BHEL arranged by the District Collector on 05.03.2019, 8 out of the 15 agreed to join the 5<sup>th</sup> respondent and their joining was subject to certain conditions. The remaining 7 land losers were unable to join the 5<sup>th</sup> respondent owing to being overaged (5 Nos.), physically challenged (1 No.) and deceased (1 No.). Their right was to be transferred to their legal representatives who were directed to obtain orders from this Court.

29. He would submit that the petitioners had joined the services of the 5<sup>th</sup> respondent knowing fully well that they were not employees of BHEL. The impugned order would also make it clear that the petitioners are only the employees of the 5<sup>th</sup> respondent and not BHEL's and therefore he would pray for the dismissal of the Writ Petitions.

### **DISCUSSION:**

30. Heard the rival submissions and perused the records.



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31. The petitioners are before this Court seeking to quash the impugned orders and to be given parity with the respondents in WP.No.10861 of 2000.

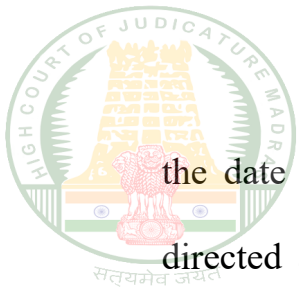
32. At the outset, it has to be seen if the petitioners are similarly placed to the employees in WP.No.10861 of 2000 so as to claim parity with them.

33. WP.No.10861 of 2000 was filed by BHEL challenging the Award passed in ID.No.93 of 1992 by the Labour Court, Vellore in and by which the Labour Court, had declared the Canteen Workers of BHEL, Ranipet as their regular workers with effect from 23.11.1987. These proceedings have been initiated much prior to the rights of the instant petitioners to seek employment as promised in GO.Ms.No.81 had crystallised. The learned Judge after taking note of :-

(a) the control exercised by BHEL over the staff and activities of the Canteen;

(b) the fact that only the workforce of BHEL could utilise the Canteen, and;

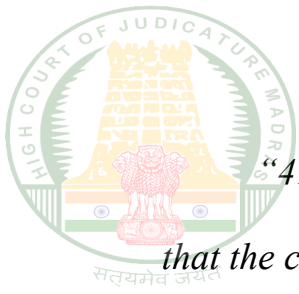
(c) that no outsiders are allowed to use the Canteen, held by order dated 04.01.2010, that the respondents therein were the employees of BHEL and the contract between the BHEL and the Contractor was a sham and nominal one. The only modification to the Award of the labour Court was



the date on which the absorption was to take effect. The Labour Court had directed absorption from 23.01.1987 this was modified to 17.12.1999. This order was confirmed in appeal, WA.No.875 of 2010.

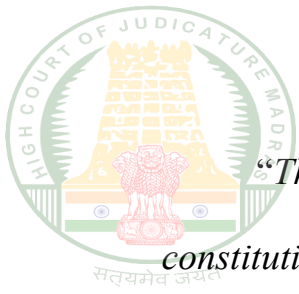
34. The petitioners herein are the land losers whose lands had been acquired for BHEL for setting up therein Boiler Auxiliaries Plant. These lands were acquired by the Government in GO.Ms.81 Industries Department dated 27.01.1981. In this Government Order, the Government had promised job guarantee to the land losers. This privilege was extended to those land owners whose entire extent of land had been acquired. The Government Order prescribed that at least one members of their family had to be provided employment in that project.

35. Since, this promise was observed in breach one of the land owner had filed WP.No.4322 of 1983. In this BHEL had made a representation that though the assurance for providing employment was not given by them, however, they have provided employment to all whose lands had been acquired. Thereafter, a number of Writ Petitions seeking the same relief had been filed. This Court by order dated 13.05.2008 dealt with the batch of Writ Petitions with the lead case being WP.No.4113 of 1998. The learned Judge observed as follows in para.No.41:-



*“41. It is rather unfortunate that in many cases, the BHEL had mentioned that the claimants were minors at the time of the land acquisition. But the fact of the matter is that only in 2006, backed by the Court order, they started processing the claims of the land oustees. Even if the claims are made on the basis of extended family as the Government had promised job for one member from each family and hence, the promise will cover the extended family. It is the practice followed in all other acquisition proceedings also. If among the family members there are quarrels, that can be resolved by conciliation and mediation. The same also applies even to the case of adoption and such of the family partition that took place before the land acquisition. The question of over age cannot be put against the land oustees because the BHEL never attempted to provide employment at an earlier point of time and allowed the matters to drift for more than two decades. Therefore, the wholesale rejection of the claims of the petitioners cannot be accepted and all the writ petitions excepting those mentioned in paragraph 33 will have to be allowed”*

36. Ultimately, this Court appointed a Screening Committee comprising of the District Revenue Officer, North Arcot District, The RDO, Ranipet, The Tahsildar, Wallajah, The Additional General Manager (HR & C) BHEL Ranipet, The Deputy General Manager (LAW), BHEL, Ranipet and The Deputy Manager (HR), BHEL, Ranipet. The following direction were issued to the Screening Committee:-



*“The District Collector (North Arcot) is hereby directed to notify the constitution of the Screening Committee and also give adequate publicity to the land losers to appear before the Committee with necessary records. The Committee shall examine the claims of all the writ petitioners (excepting those cases which have been rejected by this Court) within a period of three months from the date of receipt of a copy of this order and to recommend to BHEL for grant of suitable appointments to the eligible land losers. Till the said exercise is completed, the respondent BHEL cannot proceed with any other appointment to the categories which the land losers are eligible. In case where some of the land losers are not able to be given employment, the respondent BHEL shall also direct the contractors engaged by them, to employ those persons as was done by the directions approved in the Banwasi Seva Ashram’s case (cited supra).”*

37. This order was taken up on appeal both by the land losers as well as BHEL. That apart, some of the land losers had filed further Writ Petitions. All these Writ Appeals and Writ Petitions were heard and a common order dated 29.09.2010 came to be passed in WA.No.1275 of 2008, Bath. The Division Bench held as follows:-

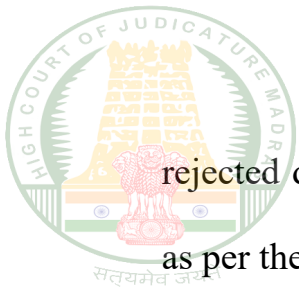
*“30. This issue regarding employment under the displaced land owners category was pending since 1981. It is in the interest of both the land owners and BHEL to put an end to this issue at the earliest point of time. Somehow or*



*the other the matter has been dragged for years together Therefore it is high time that the entire issue be resolved by examining individual cases by the Screening Committee appointed by the learned Single Judge. While issuing he notification calling for applications from the displaced land owners, the Screening Committee should make it clear that no more applications would be received in respect of acquisition made for BHEL as per G.O.Ms.No.87 dated 27.1.1981. It should be the endeavor of the Screening Committee to conclude the matter as expeditiously as possible and in any case, within a period of six months from date of receipt of a copy of this judgment. It is made clear that in case there are no immediate vacancies to accommodate these people, it would be open to the Screening Committee to prepare a list of the candidates and depending upon the vacancies they could be given employment by BHEL, of course, with reference to the qualification required for the particular post.”*

38. The orders made it clear that only persons possessing the requisite qualifications and eligibility should be provided employment by BHEL. These orders appears to have been challenged unsuccessfully by BHEL upto the Hon'ble Supreme Court.

39. Pursuant to the order of the Division Bench, the Screening Committee had scrutinised the applications of 124 land losers out of which 109 were found eligible and given employment in BHEL. The remaining 15 persons were



rejected due to non-possession of minimum required educational qualifications as per the recruitment norms of BHEL.

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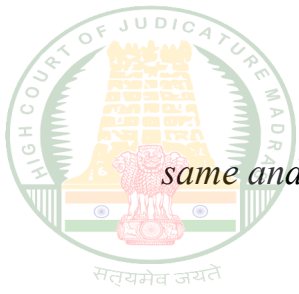
40. These 15 land losers had given several petitions seeking employment in BHEL. To sort out this issue meetings were convened by the District Collector, Vellore with BHEL authorities and BHEL had suggested that these persons be offered employment under their Contractor, the 5<sup>th</sup> respondent herein. On 05.03.2019, the District Collector had convened a meeting in which the representatives of BHEL and land losers participated. Out of the 15 land losers, 8 of them gave their consent to taken employment under the 5<sup>th</sup> respondent. This consent was subject to the following conditions:-

*“ \*Basic monthly emoluments should be provided to the land losers according to the norms of minimum wages act. However, additional eligible allowances may be considered to the land losers by offering overtime employment & etc positively, so as they can get higher emoluments.*

*\*The land losers may be given preference in future employment under BHEL If they fulfill the requisite criteria as per BHEL recruitment norms.*

*\* The above land losers should not get ousted before their usual retirement on attaining superannuation except by the course of disciplinary action.*

*\* The appointment orders to the above 8 land losers shall be issued by INDCOSERVE on or before 15.03.2019. The BHEL authorities to ensure the*



*same and the concerned land losers should join duty by 1<sup>st</sup> April 2019.”*

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41. The remaining 7 land losers, 5 who had superannuated, 1 who was physically challenged and 1 who had died, were directed to obtain orders from this Court to accommodate, their legal representatives in their place for a job opportunity under the 5<sup>th</sup> respondent.

42. A mere reading of the order in WA.No.1275 of 2008 Batch makes it clear that only those applicants who satisfy the qualifications required for the post would be taken in by BHEL. The 15 land losers, who are the petitioners herein did not qualify and their application were rejected. Thereafter, since they had been knocking at the doors of the Authorities as a special gesture BHEL had suggested that they be employed by their contractors. The minutes of the meeting dated 05.03.2019 would clearly show that they have agreed to become the employers of the 5<sup>th</sup> respondent. They have also since joined the services of the 5<sup>th</sup> respondent.

43. Pursuant to meeting dated 05.03.2019, the legal representatives had approached this Court by filing WP.No.9614 of 2019. By order dated 01.04.2019 this Writ Petition was disposed of on the basis of the legal representatives giving their consent to abide by the following conditions which was set out in para.no.12 of the counter filed by BHEL in the said Writ Petition.



The conditions are as follows:-

*“1) The writ petition filed by (a) C.Kannan-W.P.No.10924 of 2013 (Petitioner No: 1). (b) Devanani-W.P.No.11183 of 2013 (Petitioner No:2), (c) S.Padma W.P.No.13215 of 2013 (Petitioner No: 4) (d) D.Kannan-W.P.No.10104 of 2014 (Petitioner No:3) and (e) Malliga-W.P.No.12326 of 2014( For Petitioner No:6) by some of Land losers shall be withdrawn by the Petitioners.*

*2) The Legal heirs of the land loser, who are being given employment with Indcoserve, should obtain an undertaking from the other legal heirs, that no one else in the family/extended family shall claim employment in place of the original allottee and consequently the legal heir, who is being given employment, and in case of any dispute, unless the dispute is resolved, no one would be entitled for the employment with Indcoserve.*

*3). The Respondent will request Indcoserve to provide the petitioners/their representatives (as mentioned in the affidavit) employment and their service will be governed as per rules of Indcoserve.*

*4). The legal heirs of the deceased/over-aged/seriously ill person, should make an application to Indcoserve, after getting orders from the Hon'ble High Court, to consider them in place of the actual allottee for employment, as a special case.*

*5). As the original allottee was to work with Indcoserve, they will also work with Indcoserve only.*



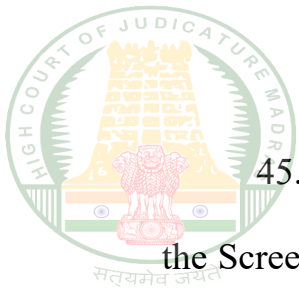
6). *The said persons, who will be getting employment with Indcoserve, should give an undertaking that they will not claim, either for themselves or anyone claiming through them, backwages for the period from the date of the letter, granting them employment with Indcoserve till date of joining.*

7) *The Basic monthly emoluments will be provided to these persons by Indcoserve, according to the norms of Minimum Wages Act. However, additional eligible allowances may be considered to these legal heirs by INDCOSERVE as per their policy.*

8) *That these legal heirs will not be ousted before they reach the age of superannuation, except pursuant to disciplinary action that may be initiated for a misconduct and shall be granted employment as per the Minutes of Meeting of the District Collector dated 05.03.2019 granted to similar placed persons.*

9). *The appointment orders will be issued by Indcoserve to these legal heirs of the land losers.”*

44. A reading of condition Nos.5 to 7 make it clear that the total 15 persons under whom the petitioners claim have agreed to be the employees of the 5<sup>th</sup> respondent and appointment orders were also issued by the 5<sup>th</sup> respondent upon such an agreement. In fact, condition 5 makes it clear that since the original allottee was worked only with the 5<sup>th</sup> respondent the legal heirs would follow suit. This undertaking has been reiterated in the order in WP.No.9614 of 2019.



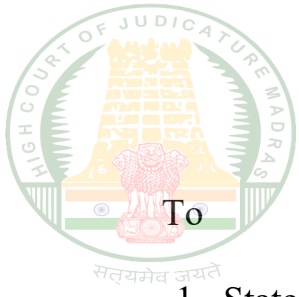
45. Admittedly, they did not satisfy the eligibility criteria and therefore the Screening Committee had rejected their proposal as they did not possess the eligibility or qualification for being employed by BHEL as in the case of the 109 land losers who had been employed by BHEL. Their employment under the 5<sup>th</sup> respondent was only a concession that was shown to them. These petitioners stand on a totally different footing from the employees in WP.No.10861 of 2000. The 5<sup>th</sup> respondent in the impugned orders had directed the petitioners to seeking employment in the other cooperative society functioning within the precinct of BHEL. I therefore, see no reason to interfere with the impugned orders and the consequential relief claimed cannot be granted for the reason aforesaid.

46. In fine, these Writ Petitions are dismissed. No costs. Consequently, the connected Miscellaneous Petitions are closed.

**08-07-2026**

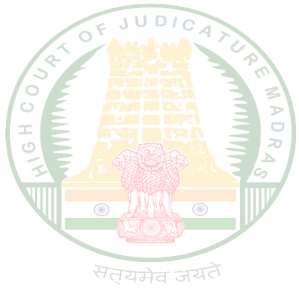
Index: Yes/No  
Speaking/Non-speaking order  
Neutral Citation: Yes/No

SHR



To

1. State Of Tamilnadu  
Rep. By Secretary To Government, Industries  
Department , St. George Fort, Chepauk,  
Chennai
2. District Collector  
District Collector Office, Ranipet, Ranipet  
District
3. The Director /hr  
Bharat Heavy Eletricals Ltd., Bhel House, Siri  
Fort, New Delhi 110 049
4. Executive Director  
Bap/ Bharat Heavy Eletricals Ltd., Ranipet,  
Ranipet District
5. Indira Gandhi Industrial Complex  
Industrial Servcie Co-op Society Ltd., Bhel  
Industrial Complex , Mukuntharayapuram,  
Ranipet 632 406



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WP No. 26212 of 2



**P.T.ASHA J.**

**SHR**

**WP No. 26212 of 2023**

**AND**

**WP NO. 4326 OF 2025, WMP NO. 4841 OF 2025, WP NO. 4415 OF 2025, WMP NO. 4929 OF 2025, WMP NO. 10304 OF 2026, WMP NO. 10303 OF 2026, WMP NO. 10302 OF 2026, WMP NO. 10301 OF 2026, WMP NO. 10317 OF 2026, WMP NO. 10306 OF 2026, WP NO. 26060 OF 2024, WMP NO. 28469 OF 2024, WMP NO. 25623 OF 2023**

**08-07-2026**