

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE ANIL K. NARENDRA

THURSDAY, THE 2ND DAY OF JULY 2015/11TH ASHADHA, 1937

WP(C).No. 18474 of 2015 (H)

PETITIONER:

NANDAKUMAR D.,
GENERAL MANAGER (MARKETING) & CHIEF OPERATING OFFICER (FEDO)
THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD (FACT)
UDYOGAMANDAL, RESIDING AT KRISHNA, UNIVERSITY ROAD
COCHIN UNIVERSITY P.O., COCHIN - 682 022.

BY ADVS. SRI. K. JAJU BABU (SR.)
SMT. M. U. VIJAYALAKSHMI

RESPONDENT(S)/RESPONDENTS:-

1. THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD. (FACT)
CORPORATE OFFICE, UDYOGAMANDAL - 683 501
REPRESENTED BY ITS CHAIRMAN AND MANAGING DIRECTOR.
2. BOARD OF DIRECTORS OF FERTILIZERS AND CHEMICALS TRAVANCORE LTD.
THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD.
CORPORATE OFFICE, UDYOGAMANDAL - 683 501
REPRESENTED BY ITS CHAIRMAN.
3. THE CHAIRMAN AND MANAGING DIRECTOR
THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD.
CORPORATE OFFICE, UDYOGAMANDAL - 683 501.
4. SRI. JAIVEER SRIVASTAVA
CHAIRMAN AND MANAGING DIRECTOR
THE FERTILIZERS AND CHEMICALS TRAVANCORE LTD.
CORPORATE OFFICE, UDYOGAMANDAL - 683 501.

R1-R3 BY ADV. SRI. M. GOPIKRISHNAN NAMBIAR
R1-R3 BY ADV. SRI. P. GOPINATH
R1-R3 BY ADV. SRI. P. BENNY THOMAS
R1-R3 BY ADV. SRI. K. JOHN MATHAI
R1-R3 BY ADV. SRI. JOSON MANAVALAN
R1-R3 BY ADV. SRI. KURRYAN THOMAS

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON
02-07-2015, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

APPENDIX

PETITIONER(S)' EXHIBITS

- EXHIBIT P1. COPY OF THE ORDER NO.ED(HR)-CO DATED 07.05.2013 PROMOTING THE PETITIONER AS GM (MARKETING) ISSUED BY THE EXECUTIVE DIRECTOR OF 1ST RESPONDENT.
- EXHIBIT P2. COPY OF THE ORDER NO.CMD-CO-109 DATED 22.11.2014 ISSUED BY 3RD RESPONDENT.
- EXHIBIT P3. COPY OF THE ORDER NO.GM(F)-FE.O.1/12 DATED 13.04.2015 SUBMITTED BY THE PETITIONER.
- EXHIBIT P4. COPY OF THE ORDER NO.DGM (HR&A)-CO-122 DATED 16.04.2015 ISSUED BY THE DEPUTY GENERAL MANAGER (DGM) HR&A.
- EXHIBIT P5. COPY OF THE REQUEST FOR RESIGNATION DATED 16.04.2015 SUBMITTED BY THE PETITIONER.
- EXHIBIT P6. COPY OF THE COMMUNICATION DATED 17.04.2015 ISSUED BY THE DGM(HR&A).
- EXHIBIT P7. COPY OF THE RELEVANT EXTRACT OF FERTILIZERS AND CHEMICALS TRAVANCORE LTD. EMPLOYEES (CONDUCT, DISCIPLINE AND APPEAL) RULES 1977.
- EXHIBIT P8. COPY OF THE REQUEST DATED 4.05.2015 SUBMITTED BY THE PETITIONER BEFORE THE 3RD RESPONDENT SEEKING TO WITHDRAWAL OF EXT.P4.
- EXHIBIT P9. COPY OF THE LETTER NO.DGM-HR&ADMN-CO-141 DATED 05.05.2015 DISPATCHED FROM THE OFFICE OF THE 1ST RESPONDENT ON 08.05.2015.
- EXHIBIT P10. COPY OF THE APPEAL MEMORANDUM DATED 05.06.2015 SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT.
- EXHIBIT P11. COPY OF THE LETTER DATED 13.06.2015 DISPATCHED FROM THE OFFICE OF THE 1ST RESPONDENT ON 15.06.2015.

RESPONDENTS' EXHIBITS: NIL

TRUE COPY

P.S.TO JUDGE

dsn

ANIL K.NARENDRA, J

W.P.(C)No.18474 Of 2015

DATED THIS THE 2nd DAY OF JULY, 2015

JUDGMENT

The petitioner, who is the General Manager (Marketing) of FACT and Chief Operating Officer of FEDO has filed this Writ Petition seeking the following reliefs:

- "i) Issue a writ of certiorari or any other appropriate writ, order or direction, calling for Exts.P4, P6, P9 and P11 and quash the same.
- ii) issue a writ of mandamus or any other appropriate writ, order or direction, directing the 2nd respondent to consider Ext.P10 appeal and dispose of same in accordance with law after notice and opportunity of hearing the petitioner.
- iii) Declare that Exts.P4, P6, P9 and P11 are illegal, unconstitutional and unenforceable and the petitioner is entitled for all the consequential benefits.
- iv) Direct the respondents to sanction and disburse all the service benefits to the petitioner from 4.5.2015 untrammelled by Ext.P11."

2. On 19.6.2015, when this Writ Petition came up for admission, the learned Standing Counsel for the respondents was directed to get instructions and the matter was posted to 23.6.2015. On that day, the learned Standing Counsel sought time

to file a counter affidavit and the case was posted to 29.6.2015. On 29.6.2015, the respondents have filed their counter affidavit.

3. Today, when the case was taken up for further consideration, the learned Senior Counsel for the petitioner submitted that the petitioner will be satisfied for the time being, if this court directs the 2nd respondent to consider Ext.P10 and pass appropriate orders thereon in the next Board Meeting itself. Then the learned Standing Counsel for the respondents submitted that the 2nd respondent will consider Ext.P10 in the next Board Meeting itself and a decision thereon will be communicated to the petitioner.

5. In such circumstances, without going into the merits of the rival contentions, this Writ Petition is disposed of directing the 2nd respondent to consider Ext.P10 in the next Board Meeting itself, pass appropriate orders thereon and communicate the same to the petitioner without any further delay.

The contentions raised by both sides are left open.

Sd/-
ANIL K.NARENDRA, JUDGE

dsn