

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.07.2017

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE G.JAYACHANDRAN

W.A.No.860 of 2017
and
C.M.P.No.11803 of 2017

Madras Fertilizers Dr.Ambedkar SC/ST
Employees Welfare Association,
rep.by its General Secretary Mr.K.Jayashankar,
MFL Campus, Manali,
Chennai-600 068. Petitioner/Appellant

-vs-

1. The Secretary to Government,
Department of Fertilizers,
Government of India, Shastri Bhavan,
New Delhi.
2. Madras Fertilizers Ltd., (MFL),
rep.by its Chairman & Managing Director (CMD),
Manali, Chennai-600 068.
3. The General Manager (P&A),
Madras Fertilizers Ltd., (MFL),
Manali, Chennai-600 068.
4. The Liaison Officer (SC/ST),
Madras Fertilizers Ltd., (MFL),
Manali, Chennai-600 068. Respondents/Respondents

Appeal filed under Clause 15 of Letters Patent, against the
order dated 29.06.2017 passed by this Court in W.P.No.16548 of
2017.

Prayer in W.P. 16548 of 2017:

Writ petition has been filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus, to direct the
respondents directing the respondents to Recast the Reservation
Roster Points for the total Cadre Strength in the 3rd respondent
Establishment with effect from 1997 to till date and
consequently and pass such further other orders.

For Appellant :: Mr.Stalin Abhimanyu

JUDGMENT

(Judgment of the Court was delivered by
HULUVADI G.RAMESH, J.)

This appeal has been filed against the order passed by the learned single Judge of this Court in W.P.No.16548 of 2017 dated 29.06.2017, wherein the prayer of the appellant for a direction to the respondents to recast the reservation Roster Points for the total cadre strength in the third respondent establishment with effect from 1997 to till date, was rejected on the ground that the writ petition was filed by an Association and that since each member of the said Association has got their own cause of action, the Association cannot represent the members together without disclosing their cause of action. Further, it was observed that in service matters, Association cannot have any locus standi to main the writ petition. Hence, giving liberty to the individual members of the Association to approach this Court by way of filing separate writ petitions, the writ petition was dismissed.

2.It is stated by the appellant that the Government of India introduced reservations in promotions for SC/ST candidates in all Departments and a writ petition in W.P.No.24847 of 2011 was filed by Madras Fertilizers SC/ST Association seeking for a direction restraining the respondents from starting the promotional process till the completion of roster verification, but the same was dismissed on 01.11.2011, however, a direction was issued to recast the roster in six months. Thereafter, a writ appeal was filed in W.A.No.2155 of 2011 in which an interim order was granted restraining the respondents from effecting any promotions until verification of roster. The said writ appeal was disposed of on 11.02.2013 with a direction to the respondents to issue roster within a period of two days. But however, till date no roster has been published and promotions have been made in an arbitrary manner. Hence the writ petition in W.P.No.16548 of 2017 was filed, to direct the respondents to effect promotions after finalising the roster, but the same was dismissed. Hence this writ appeal.

3.We have heard the learned counsel for the appellant and perused the materials available on record.

4.Normally, when reservations are made, the presumption is that roster has been followed. If there are any grievances such as indiscrimination or arbitrariness, or any complaint is registered regarding non-maintenance of roster, certainly necessary action would be taken. Here, there is nothing on record to show that the appellant has made any such exercise.

Under the circumstances, there is no scope for interference of the order passed by this Court in the writ petition. Further, it is seen that a Circular has been issued by the Personnel and Administration Group of the respondent-company on 12.02.2013 with regard to the review on the report of Review Departmental Promotion Committee in respect of recasting of roster for SC/ST reservation for the period from 02.07.1997 to 31.12.2008, in which it is stated that the Committee has submitted its report to the Chairman and Managing Director on 22.10.2012 along with a list of 14 SC employees eligible for promotion and 56 preponement of promotion, considering carry forward of SC vacancies as of 01.07.1997 and exchange of vacancies between SCs and STs upto 05.11.2003. It is also stated that the revised report of the committee has been reviewed and the final list of 2 SC employees eligible for promotion and 20 preponement of promotion, have been approved. Further, the employees belonging to SC/ST category were requested to submit their objections, if any, within a period of 15 days of the release of circular, otherwise, it would be presumed that there is no objection and further action will be taken accordingly. But, without following the instructions given in the circular³, the writ petition has been filed and on its dismissal, the present appeal has been filed.

5. In view of the reasons stated supra, the appellant Association is permitted to submit a representation to the respondents as regards the non-maintenance of roster, and if any such representation is received, the same shall be considered by the respondents in accordance with law.

6. The writ appeal is disposed of accordingly. No costs. Consequently, the connected miscellaneous petition is closed.

s/d-
Assistant Registrar(CO)

True Copy

सत्यमेव जयते
Sub-Assistant Registrar

KM

To

1. The Secretary to Government,
Department of Fertilizers,
Government of India, Shastri Bhavan,
New Delhi.

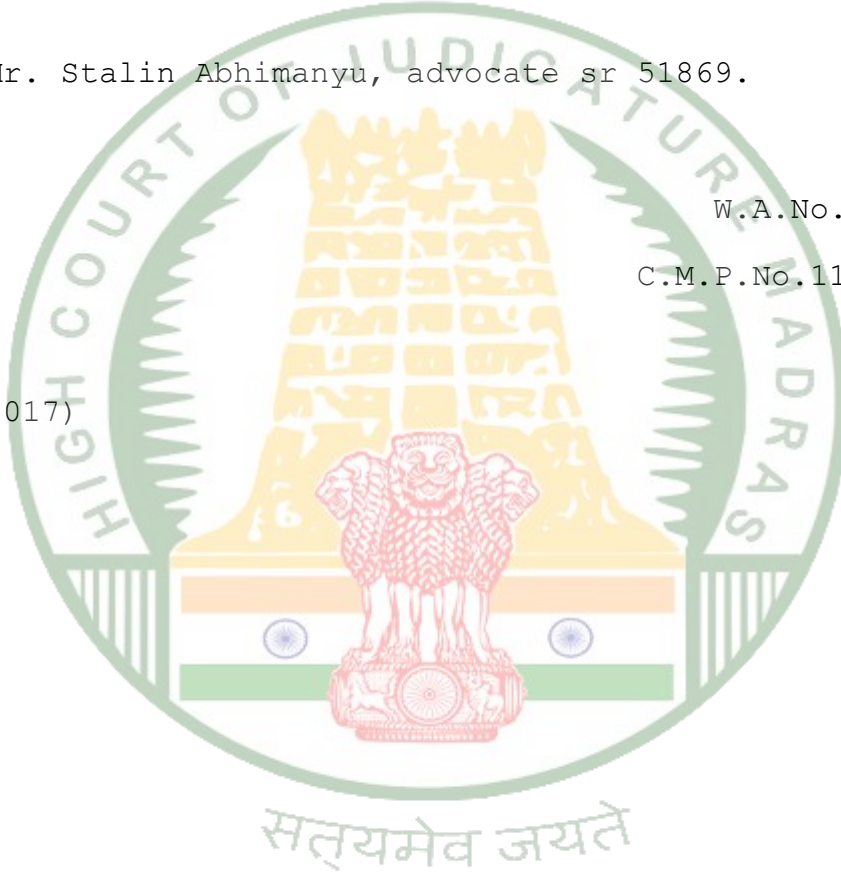
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2. The Chairman & Managing Director,
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4. The Liaison Officer (SC/ST),
Madras Fertilizers Ltd., (MFL),
Manali, Chennai-600 068.

+1 CC to Mr. Stalin Abhimanyu, advocate sr 51869.

W.A.No.860 of 2017
and
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SKS (CO)
sp(10/08/2017)



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