



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.01.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P(MD)No.893 of 2017
and
W.M.P(MD)No.740 of 2017

S.Krishnamoorthy

... Petitioner

vs.

- 1)The Tamil Nadu Newsprint and Papers Limited (TNPL)
Rep. by its Chairman / Managing Director and
the Secretary to Government,
Industries Department, 67, Mount Road,
Guindy, Chennai-600 032.
- 2)The Deputy Managing Director,
Tamil Nadu Newsprint and Papers Limited (TNPL),
67, Mount Road, Guindy, Chennai-600 032.
- 3)The General Manager(HR),
Tamil Nadu Newsprint and Papers Limited (TNPL),
Kakithapuram-639 136, Karur District.
- 4)TNPL Anna Thozhilalar Matrum
Sippanthigal Sangam, Represented by its Secretary,
F-314, TNPL Colony, Kagithapuram-639 136,
Karur District.
- 5)TNPL Thozhilalar Sangam,
Represented by its Secretary,
Karapalayam (Alamarathumedu),
Velayuthampalayam Post,
Karur-639117.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the Condition prescribed in Clause 7.3 of the settlement dated 25.06.2016 specifically to the effect that the workman should 'continue to be in service as on the date of signing of the settlement i.e. 25.06.2016 to grant up-gradation' and consequent order No.HR/06/0994 dated 04.11.2016 passed by the 3rd respondent and quash the same and consequently direct the respondent No.1 to 3 to promote the petitioner as



Chargeman with effect from 01.01.2015 and grant all the service, monetary and retirement benefits within a time limit to be fixed by this Hon'ble Court.

For Petitioner : Mr.T.Sakthikumaran
For R1 : Mr.A.K.Baskarapandian
Special Government Pleader
For R2 & R3 : Mr.M.P.Senthil

ORDER

This writ petition has been filed, seeking to quash the Condition prescribed in Clause 7.3 of the settlement dated 25.06.2016, specifically to the effect that the workman should 'continue to be in service as on the date of signing of the settlement i.e. 25.06.2016 to grant up-gradation' and the consequent order No.HR/06/0994 dated 04.11.2016 passed by the 3rd respondent and quash the same and consequently direct the respondents 1 to 3 to promote the petitioner as Chargeman with effect from 01.01.2015 and grant all the service, monetary and retirement benefits within a time limit to be fixed by this Court.

2.The petitioner was appointed as Semi Skilled (C) Trainee on 31.12.1984 and subsequently upgraded to Highly Skilled Cadre with effect from 01.07.2012 and he retired from service on superannuation on 30.04.2016. According to the petitioner, he is entitled to promotion as Chargeman and all monetary benefits have got to be extended to him as per the settlement dated 25.06.2016.

3.Whether the petitioner is entitled to benefits under the settlement dated 25.06.2016 is a disputed question of fact which has got to be adjudicated in an appropriate forum and this Court cannot go into the veracity of the settlement entered into between the parties.

4.Since the petitioner has got alternative remedy and that the issue in question cannot be gone into by this Court, this Writ Petition is dismissed. No costs. Consequently, W.M.P(MD)No.740 of 2017 is closed.

Sd/-
Assistant Registrar (AE)

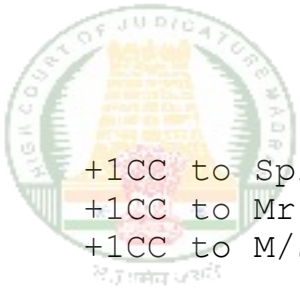
/True Copy/

Sub Assistant Registrar

nbi

To

1)The Chairman / Managing Director and Secretary to Government,
Tamil Nadu Newsprint and Papers Limited (TNPL)
Industries Department, 67, Mount Road, Guindy, Chennai-600 032.



+1CC to Spl.Government Advocate Sr.No.3540
+1CC to Mr.M.P.Senthil, Advocate Sr.No.3290
+1CC to M/s.Victory Associates, Advocate Sr.No.3304

GJM/MR/VB/3.2.17-3p-5C

W.P (MD) No.893 of 2017
20.01.2017