

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28/11/2018

C O R A M

THE HON'BLE MR.JUSTICE S.MANIKUMAR
AND
THE HON'BLE MR.JUSTICE SUBRAMONIUM PRASAD

Writ Appeal No.2173 of 2018

X. Francis Raja ... Appellant

Vs

1. The Chief General Manager (HR)
Office of the Chief General Manager
Mine - 1 & 1 A
NLC India Limited
Neyveli Lignite Corporation Ltd
Neyveli.
2. The Chief Manager (HOHR)/Mine I A
Office of the Chief Manager (HR)/Mine - I A
NLC India Limited
Neyveli Lignite Corporation Ltd
Neyveli.
3. The Chief Manager (HOHR)
Security and Fire Service
Office of the Security and Fire Service
NLC India Limited, Block 17
Neyveli Lignite Corporation Ltd
Neyveli. ... Respondents

Appeal filed under Clause 15 of Letters Patent
against the order dated 2/8/2018, made in W.P.No.19719 of
2018.

For appellant ... Mr.M.Saravana Kumar

For respondents ... Mr.N.Nithyanandam

J U D G M E N T

(Judgment of the Court was made by Subramonium Prasad,
J)

Instant Writ Appeal is directed against the order,
dated 2/8/2018, made in W.P.No.19719 of 2018.

Prayer in W.P.No.19719 of 2018:

Writ Petitions under Article 226 of the Constitution of India for issuance of Writ of Certiorified Mandamus Calling for the records of the Respondents resulting in the 1st Respondents Impugned Order dated 23.07.2018 served on 27.07.2018 at about 5.00 P.M and passed in O.O.No.CORP/HR/EB/NE/0651/2018-2 and quash the same and direction directing the 1st Respondent 1)to allow the Petitioner to report duty on 01.09.2018 instead of 01.08.2018 2)to allow the petitioner to continue to work as Technician Grade - II in Computer Service under the control of Chief Manager Mine-1 NLC India Ltd.

2. Vide, order, dated 23/7/2018, Chief General Manager (HR)/Group - B, Neyveli Lignite Corporation India Limited, has designated the appellant as Senior Inspector, in the Security Guard Category and posted him to work as such in Security & Fire Services.

3. For brevity, the said order is extracted hereunder:-

"The Management is pleased to Re-designate you as 'Senior Inspector' in the scale of pay of Rs.11500-3%-31670 (W6) in the Security Guard category with immediate effect on conversion from existing category based on the assessment conducted on 25/6/2018.

2. You will continue to draw the same basic pay in the present scale of pay and you will be eligible for annual increment on the same annulity date subject to fulfillment of prescribed conditions. Eligible allowances, QPPT etc., will be paid as applicable to security guard category on fulfillment of prescribed conditions.

3. You shall be governed under NLCIL Security Force Regulations.

4. Qualifying years of service rendered in the present grade prior to re-designation will be taken into account for consideration of promotion to next grade subject to fulfillment of prescribed conditions.

5. The Management reserves its right to alter/modify the terms and conditions of this order or to withdraw the order at any time without notice.

6. You will be further subject to such other terms and conditions of service as may be prescribed by the Corporation from time to time.

7. Reversion back to the original

post will not be considered.

8. You are posted to work as such in Security & Fire Services. You are liable to be transferred to any unit (or) Subsidiaries/Joint venture Companies/Undertaking of the Corporation situated anywhere in India at the discretion of the Management.

9. You are advised to acknowledge acceptance of the above terms and conditions in the copy of the order enclosed.

10. You are advised to report to Chief Manager/Security & Fire Services on 1/8/2018."

4. Being aggrieved, W.P.No.19719 of 2018 has been filed, for issuance of a writ of certiorarified mandamus, to quash the order of the first respondent, dated 23/7/2018, served on 27/7/2018, passed in O.O.No.CORP/HR/EB/NE/0651/2018-2, and for a direction to the first respondent, to allow the petitioner to report duty, on 1/9/2018 instead of 1/8/2018 and to allow the petitioner to continue to work, as Technician Grade II in Computer Service, under the control of Chief Manager Mine - I, NLC India Ltd.

5. Upon hearing the learned counsel for the parties, writ Court dismissed W.P.No.19719 of 2018.

6. Being aggrieved, instant appeal is filed in which the appellant has mainly contended about his physical ailments.

7. On 16/11/2018, this Court has passed the following order:-

"Mr.N.Nithyanandam, learned counsel appearing for NLC is directed to furnish the details of duties and responsibilities, attached to the post of Senior Inspector, Security and Fire Services Department. He is also directed to ascertain whether the appellant would be posted in any other post.

Post on 20/11/2018.

8. Today, on instructions, Mr.N.Nithyanandam, learned counsel for Neyveli Lignite Corporation India Limited/respondents submitted that the appellant would be redesignated as Tech - Grade II, in Computer

Division/Mine - I & I A and that he can continue in such post. Submission of the learned Counsel for Neyveli Lignite Corporation India Limited is placed on record.

9. Added further, learned counsel appearing for the respondents submitted that the appellant can report to the concerned Incharge of CM/Computer Division.

10. In view of the above, Writ Appeal is allowed and the impugned order, dated 23/7/2018, passed in O.O.No.CORP/HR/EB/NE/0651/2018-2 is set aside. Respondents are directed to issue appropriate orders. No costs. Consequently, the connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS ix)

//True Copy//

Sub Assistant Registrar

mvs.
To

1. The Chief General Manager (HR)
Office of the Chief General Manager (Mine - 1 & 1 A)
NLC India Limited
Neyveli Lignite Corporation Ltd
Neyveli.
2. The Chief Manager (HOHR)/Mine I A
Office of the Chief Manager (HR)/Mine - I A
NLC India Limited
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Neyveli.
3. The Chief Manager (HOHR)
Security and Fire Service
Office of the Security and Fire Service
NLC India Limited, Block 17
Neyveli Lignite Corporation Ltd
Neyveli.

+1cc to Mr.M.Saravana Kumar , Advocate SR.No. 81313

+1cc to Mr.N.Nithyanandam , Advocate SR.No. 81447

Writ Appeal No.2173 of 2018

ASK(29/11/2018)