



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 20.07.2018

CORAM

THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.15143 of 2018

R.Kasthuri

.. Petitioner

Versus

1.The Chief General Manager,
Mine-II & Expansion,
NLC India Limited,
Neyveli-2

2.The additional Deputy General Manager/HO-HR,
M/s. NLC India Limited,
Neyveli-607 802.

3.The Chairman cum Managing Director,
M/s.NLC India Limited,
Neyveli-607 801.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus to direct the respondents to reinstate the petitioner to the petitioner's original job with full back wages and all other attendant consequential benefits.

For Petitioner : Mr.K.Srinivasan

For Respondents : Mr.N.Nithianandam



O R D E R

By consent, the writ petition is taken up for final disposal.

2. The grievance of the petitioner in this case is that the respondents have prematurely denied the work to the petitioner on the ground that since she has attained the age of 58 years and as such thereafter, she cannot be employed as a labourer. According to the petitioner, she had never attended any school and as such, her date of birth is 15.07.1967, which is reflected in her family Ration Card, Adhar Card, so also the certificate of the Village Administrative Officer. However, the respondents taking note of the same entered in the Medical register of the respondents, so also the School leaving certificate of another, held the petitioner to have attained the age of 58 years illegally did not allow her to work. Hence, such action of the respondents is challenged here in this writ petition seeking for a direction to allow the petitioner to work till she attains the age of 58 years calculating the same from 67 years.

3. During the course of admission, in spite of opportunity is given, no counter affidavit has been filed. However, the learned counsel for the respondents would submit that this writ petition is not maintainable for the reasons that the aforesaid involves disputed question of fact and the petitioner being not an employee of the respondents and a labour under the contractor who has been dis-engaged, no writ is maintainable against the respondents.

4. The same is vehemently opposed by the counsel for the petitioner and he would submit that notwithstanding the same, since she has submitted a representation dated 27.06.2017, let the respondents shall take an informed and considered decision on the same within a stipulated period.

5. Considering the aforesaid submissions and contentions made, and without going into the merit of the contentions regarding the maintainability of the writ petition on such disputed question of fact and also whether the petitioner is an employee of the respondents or not, it being an admitted fact that that petitioner was working in the establishment of the respondents and the nature of relief sought for, this Court dispose of this writ petition with a direction to the respondents to take an informed and considered decision on the representation of the petitioner dated 27.06.2017, made in this regard, in accordance with law within a period of three weeks



from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. No costs.

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Sd/-

Assistant Registrar(CS-CO)

//True copy//

Sub Assistant Registrar

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To

1. The Chief General Manager,
Mine-II & Expansion,
NLC India Limited,
Neyveli-2
2. The additional Deputy General Manager/HO-HR,
M/s. NLC India Limited,
Neyveli-607 802.
3. The Chairman cum Managing Director,
M/s.NLC India Limited,
Neyveli-607 801.

+1cc to Mr.K. Srinivasan, Advocate SR.No.49437

+1cc to Mr.N. Nithianandam, Advocate SR.No.48760

W.P.No.15143 of 2018

GMV(06/09/2018)