

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:09.11.2018

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

WP.No.26305 of 2018

WMP.No.31469 of 2018

Society for Protection of the Contract Labours
affected by the Acquisition of Land and Houses
by the NLC India Limited, represented by Paramasivam
Cuddalore 607303 ..Petitioner

Vs

- 1.NLC Limited, represented by its
Chairman and Managing Director,
Corporate office, Block-1, Neyveli,
Cuddalore
- 2.The Union of India, represented by its
Secretary to Government, Ministry of Coal
Government of India, Shastri Bhavan,
New Delhi 110001
- 3.The Chief General Manager (HR)/IR
Corporate Office, Block-1, Neyveli 607801
- 4.The District Collector, Cuddalore
- 5.NLC INDCO SERVE, Indco Serve office,
NLC office complex, Neyveli-7
Cuddalore. ..Respondents

Prayer:- This Writ Petition is filed, under the Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the Respondents 1 and 3 to consider the objections of the Petitioner, dated 21.08.2018 against the provisional list of 977 workmen, published on 16.08.2018 by the 3rd Respondent and consequently, directing the Respondents 1 and 3 to implement the directions, dated 12.09.2017 of this Court in WP.No.23718 of 2017 to include 50% of the contract workmen of the Petitioner's Society, who are the persons affected by the acquisition of lands and houses by the 1st Respondent in the provisional list, dated 16.08.2018, published by the 3rd Respondent.

For Petitioner : Mr.Jothiraman for Mr.K.Balu
For Respondent : Mr.N.Nithianandam-RR1 and 3
Mr.Ramachandramoorthy, CGSC-R2
Mr.M.Karthikeyan, AGP-R4
No Appearance for R5

ORDER

By consent of the learned counsel on either side, this Writ Petition is taken up for final disposal, at the admission stage itself. Mr.N.Nithianandam, learned counsel takes notice for the Respondents 1 and 3. Mr.Ramachandramoorthy, CGSC takes notice for the 2nd Respondent. Mr.M.Karthikeyan, the learned Additional Government Pleader takes notice for the 4th Respondent.

2. This Court heard the learned counsel on either side and also perused the materials placed on record.

3. According to the learned counsel for the Petitioner, the 1st Respondent had formed the 5th Respondent Society in the year 1990 to regulate the process of absorbing the contract labourers, engaged by the 1st Respondent. The 5th Respondent Society has got about 10632 Members on its roll, out of which, about 2295 Members belong to the land evictees and house evictees due to the land acquisition made by the 1st Respondent for expansion of the NLC Project. The existing procedure for regular absorption of contract labourers will be made as the Members of the 5th Respondent Society at the 1st stage and they will be made permanent in the 2nd stage as per seniority, depending upon the need and requirement of the 1st Respondent. The 3rd Respondent had published a seniority wise contract workmen provisional list on 16.08.2018, containing 977 names, out of which, only 195 persons affected by the land acquisition, have been included as against the 50% of the provisional list i.e. 488 persons. Hence, the Petitioner had made representations, dated 24.07.2018 and 28.07.2018 to the 4th Respondent. Thereafter, a provisional list had been published on 16.08.2018, in which only 195 names of the persons affected by the land acquisition have been included and the same is contrary to the order of this Court, made in WP.No.23718 of 2017, dated 12.09.2017. Thereafter, the Petitioner had made their objections, dated 21.08.2018 and 23.08.2018 to the 3rd Respondent. Since the said objections are not considered, till date, this Writ Petition has been filed, seeking for issuance of a Writ of Mandamus, directing the Respondents 1 and 3 to consider the objection of the Petitioner, dated 21.08.2018 in the light of the directions of this Court, dated 12.09.2017 made in WP.No.23718 of 2017.

4. The learned counsel for the Respondents 1 and 3 has fairly submitted that the objections of the Petitioner shall be considered and disposed of, on merits and in accordance with law, within a period to be specified by this Court.

5. Considering the facts and circumstances of the case and the limited scope of the prayer sought for in this Writ Petition, without going into the merits of the case, the Respondents 1 and 3 are directed to consider and dispose of the objection of the Petitioner, dated 21.8.2018, in the light of the order of this Court, dated 12.09.2017 made in WP.No.23718 of 2017 and on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected MP is closed.

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

Srcm

To

- 1.The Chairman and Managing Director(Formerly NLC Ltd.),
Neyveli Lignite Corporation Limited,
Corporate office, Block-1, Neyveli,
Cuddalore District.
- 2.The Union of India, represented by its
Secretary to Government, Ministry of Coal
Government of India,Shastri Bhavan,
New Delhi 110001
- 3.The Chief General Manager (HR)/IR
Corporate Office, Block-1, Neyveli 607801
- 4.The District Collector, Cuddalore.
- 5.NLC INDCO SERVE, Indco Serve office,
NLC office complex, Neyveli-7
Cuddalore.

+1cc to Mr.K.Balu, Advocate, S.R.No.76668
+1cc to Mr.N.Nithanandam, Advocate, S.R.No.76684

WP.No.26305 of 2018

RV (CO)

rrs 03/12/2018



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