

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

Date of Order: April 03, 2018

+ **W.P.(C) 3145/2018 & CMs 12512-13/2018**

NTPC EXECUTIVES FEDERATION OF INDIA (NEFI)
THROUGH: ITS SECRETARY GENERAL SHRI V K SHARMA
..... Petitioner

Through: Mr. R.K. Saini, Mr. Achal Gupta,
Mr. Sitab Ali Chaudhary, Ms. Annie Rais and
Mr. Azharuddin Chaudhary, Advocates

versus

NTPC LTD. Respondent
Through: Mr. Bharat Sangal and Ms. Babita
Kushwaha, Advocates

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

ORDER
(ORAL)

1. Petitioner-Federation by way of this writ petition seeks quashing of result of Corporate Promotion Committee/Regional Promotion Committee (*hereinafter referred to as CPC/RPC*) 2018 (*Annexure-6 colly.*). A direction is also sought to respondent to lay down clear policy for moderation of Performance Management System (*hereinafter referred to as PMS*) ratings wherein the concerned Executive may also have a right to raise grievance in relation to the said moderation. Specified objectives/guidelines for the process of allocation of CPC marks for promotion of an Executive from grade E-1 to E-5 in letter and spirit of

Statement of Company Policy regarding Promotion of Executives (*Annexure-1*) is also sought.

2. Statement of Company Policy regarding Promotion of Executives (*Annexure-1*) issued on 26th September, 2011 and updated on 31st January, 2012 was questioned by petitioner-Federation by way of a Representation of 14th March, 2012 (*Annexure-3 colly.*) while assailing unilateral changes in Executive Promotion Committee and discrepancies in the promotion of Executives in RPC-2012. According to petitioner's counsel, the said Representation was followed by numerous Representations/ Reminders (*Annexure-3 colly.*), but to no avail. It is pointed out by petitioner's counsel that the review of CPC/RPC-2018 results for promotion from grade E-1 to E-5 levels was sought by petitioner-Federation by way of Representation on 12th March, 2018 (*Annexure-8*) and there is no response to it.

3. Learned counsel for respondent-NTPC submits that the policy regarding promotion of Executives has been updated on 15th February, 2017 and competent authority to look into petitioner's Representation of 12th March, 2018 (*Annexure-8*) is the Director (Human Resources), who can effectively consider petitioner's Representation (*Annexure-8*).

4. At this stage, learned counsel for petitioner submits that for an effective decision on petitioner's Representation (*Annexure-8*), an opportunity of personal hearing be provided to the Chairman and Secretary General of petitioner-Federation.

5. In view of the above, this petition and the applications are disposed of with direction to respondent-NTPC to ensure that an opportunity of

hearing is provided to the Chairman and Secretary General of petitioner-Federation by the Director (HR), who shall pass a speaking order on petitioner's Representation (*Annexure-8*). Let this exercise be completed within a period of twelve weeks from today and its fate be made known to the Secretary General of petitioner-Federation within a week thereafter, so that petitioner-Federation may avail of the remedies as available in law, if need be.

6. With aforesaid directions, this petition and the applications are disposed of.

Copy of this order be given *dasti* to counsel for the parties.

(SUNIL GAUR)
JUDGE

APRIL 03, 2018

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