

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.08.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN

W.P.No.22669 of 2016
and W.P.No.34143 of 2017

W.P.No.22669 of 2016:

D.Thanasekaran

... Petitioner

vs.

1. Nuclear Power Corporation of India Limited,
represented by its DGM (HR),
8th Floor, Vikram Sarabhai Bhavan,
Anushakthinagar, Mumbai - 400 094.
 2. The Head (HR),
Madras Atomic Power Station,
Kalpakkam, Kancheepuram District.
- ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorari, calling for the records of the 2nd Respondent dated 09.06.2016 made in his proceedings No.MAPS/ER/26(6)/2014 together with the order of the 1st Respondent, dated 19.03.2016 in proceedings No.NPCIL/HQ/HRP/11(26)2016/156, so as to quash the same.

W.P.No.34143 of 2017:

D.Thanasekaran

... Petitioner

vs.

1. Nuclear Power Corporation of India Limited,
represented by its DGM (HRP),
7th Floor, Vikram Sarabhai Bhavan,
Anushakthinagar, Mumbai - 400 094.
2. The Head (HR),
Madras Atomic Power Station,
Kalpakkam, Kancheepuram District.

3. The Site Director (Additional Charge),
Kudunkulam Nuclear Power Project,
Kudunkulam, Thirunelveli - 627 106.

4. The Manager (HR E),
Kudunkulam Nuclear Power Project,
Kudunkulam, Thirunelveli - 627 106.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of Certiorarified mandamus, calling for the records of the 4th Respondent, dated 30.11.2017 made in his proceedings No.KKNPP/HR/Estt./2013/S/9136550/2, dated 30.11.2017 and the proceedings of the 2nd Respondent in No.MAPS/HEAD/(HR) 2017, dated 25.11.2017 and quash the same.

For Petitioner in both W.Ps. : Mr.S.Senthil Nathan

For 2nd Respondent in both W.Ps. : Mr.V.Vijay Shankar

C O M M O N O R D E R

When these cases were taken up for hearing today, learned counsel for the Petitioner submitted that he was instructed to withdraw the above Writ Petitions and that the Petitioner has already filed an Application claiming Gratuity and the same is pending for more than a year, without any progress. He pleaded that a direction may be issued to the Gratuity authority for speedy disposal of the said Application.

2. In support of his submission seeking to withdraw the above Writ Petitions, learned counsel for the Petitioner has made an endorsement in the court bundle to the following effect:

"Petitioner instructed to withdraw the above Writ Petitions, as proceedings under Payment of Gratuity is pending before RLC, Mumbai."

3. Firstly, no relief has been sought in these Writ Petitions for grant of gratuity and moreover, the Gratuity authority is not a party to the present proceedings. Since the Writ Petitions are sought to be withdrawn, the Petitioner is at liberty to move the appropriate forum seeking a direction for early disposal of the Application claiming Gratuity and this Court cannot pass any direction to the Gratuity authority in these cases.

4. In fine, the above Writ Petitions are dismissed as withdrawn with the above observation. No costs. Consequently, connected W.M.P.Nos.19368 and 19369 of 2016 in W.P.No.22669 of 2016 and W.M.P.Nos.37931 and 37932 of 2017 in W.P.No.34143 of 2017 are closed.

-s/d-

Assistant Registrar (CS-IV)

True Copy

Sub-Assistant Registrar

(aeb)

Note to Registry: Scan the withdrawal endorsement made by the learned counsel in the case bundle and save the same in the device for future reference.

To:

1. The DGM (HR), Nuclear Power Corporation of India Limited, 8th Floor, Vikram Sarabhai Bhavan, Anushakthinagar, Mumbai - 400 094.
2. The DGM (HRP), Nuclear Power Corporation of India Limited, 7th Floor, Vikram Sarabhai Bhavan, Anushakthinagar, Mumbai - 400 094.
3. The Head (HR), Madras Atomic Power Station, Kalpakkam, Kancheepuram District.
4. The Site Director (Additional Charge), Kudunkulam Nuclear Power Project, Kudunkulam, Thirunelveli - 627 106.
5. The Manager (HR E), Kudunkulam Nuclear Power Project, Kudunkulam, Thirunelveli - 627 106.

+1 CC to Mr. Vijayakumar, Advocate sr 69920.

W.P.No.22669 of 2016
and W.P.No.34143 of 2017

MG (CO)
SP (17/09/2019)