

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 4.12.2019

CORAM

THE HONOURABLE DR.JUSTICE VINEET KOTHARI
AND
THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.A.No.926 of 2017
and
C.M.P.No.12892 of 2017

1. Regional Manager,
Central Warehousing Corporation,
No.4, North Avenue,
Sri Nagar Colony, Saidapet,
Chennai 600 015.
 2. General Manager - Personal/Director,
Central Warehousing Corporation,
No.4/1, Sri Institutional Area Hauz Khas,
New Delhi 110 016.
- ... Appellants

Versus

1. Dr.Nitin Kumar, Ph.D.,
 2. Assistant General Manager-Personal,
Food Corporation of India,
Zonal Office (South),
No.3, Haddows Road,
Chennai 600 006.
- ... Respondents

Prayer:

Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 20.12.2016 in W.M.P.No.29709 of 2016 in W.P.No.34480 of 2016 passed by this court.

W.M.P.No.29709 of 2016 in W.P.No.34480 of 2016:-

Writ Petitions under Article 226 of the Constitution of India, praying that in these circumstances stated there in and in the respective affidavits filed therewith the High Court will be pleased to

(i) issue a writ of certiorarified mandamus calling for the records to the impugned order dated 20.05.2016 Ref.No.CWC/10664/Establishment and the consequential order dated 17.06.2016 Ref.No.CWC/10664/Establishment/1674A issued by the 2nd Respondent and quash the same and consequently direct the respondents 1 & 2 to permit the petitioner to pursue his carrier prospects with the 3rd respondent or such other organizations by granting NOC/permissions as may be required under law (in WP.No.34480 of 2016) and

(ii) Issue an order of interim direction directing the 3rd respondent to consider the candidature of the petitioner as per the call letter dated 02.09.2016 issued by the 3rd respondent for document verification, group discussion and personal interview on his mertis without insisting on production of NOC from the 2nd respondent, (in WMP.No.29709 of 2016) pending disposal of the main writ petition No.34480 of 2016 respectively.

For Appellants : Mr.Ashok Menon

For R2 : Mr.S.Vijayakumar

JUDGMENT

(Judgment of the court was made by Dr.VINEET KOTHARI, J.)

The employer, Central Ware Housing Corporation has filed the present Appeal aggrieved by the order dated 20.12.2016, modified by order dated 2.3.2017, passed by the learned Single Judge by which, the learned Single Judge allowed provisionally, Respondent No.1, Dr.Nitin Kumar to be allowed to go for the Management Training so as to seek employment with Respondent No.2, Food Corporation of India.

2. The learned counsel Mr.S.Vijayakumar appearing for the Food Corporation of India submits that since Respondent No.1, Dr.Nitin Kumar had applied for the said job without obtaining due permission from the employer, Central Ware Housing Corporation, the said employment opportunity was closed and he continues to be in the employment of Central Warehousing Corporation.

3. The learned counsel Mr.Ashok Menon appearing for the Appellant, Central Warehousing Corporation does not dispute the above factual aspects.

4. In view of the submission made by the learned counsel for the parties, the present Writ Appeal is dismissed as infructuous. No costs. Consequently, the connected Miscellaneous Petition is also dismissed. A copy of this order may be sent to the employee Dr.Nitin Kumar.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. Regional Manager,
Central Warehousing Corporation,
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2. General Manager - Personal/Director,
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New Delhi 110 016.
3. Assistant General Manager-Personal,
Food Corporation of India,
Zonal Office (South),
No.3, Haddows Road,
Chennai 600 006.

+1cc to Mr.S.Vijayakumar, Advocate, S.R.No.100945
+2cc to Mr.Ashok Menon, Advocate, S.R.No.101083

W.A.No.926 of 2017

PA(CO)
CS/20/01/2020

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