



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.01.2020

CORAM:

THE HONOURABLE MR.JUSTICE M.S.RAMESH

W.P.(MD) No.1432 of 2020

and

W.M.P(MD) Nos.1146 and 1147 of 2020

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TANCEM Marketing Department Staff Welfare Association,
Represented through its Secretary,
B.Muralidharan,
S/o.M.R.M.Balasubramanian,
M2/17, T.N.H.B. Sector 4M.
Koodal Nagar, Madurai.

... Petitioner

vs.

1.The Managing Director,
Tamilnadu Cements Corporation Limited,
L.L.A.Buildings,
735, Anna Salai,
Chennai-2.

2.The Senior Manager,
Tamil Nadu Cements Corporation Ltd.,
L.L.A.Buildings,
735, Anna Salai,
Chennai-2.

3.N.Jafar Sadik Ali

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus, to call for the records relating to impugned third respondent's appointment order passed by the first respondent in his proceeding Lr.No.1155/A1/2018, dated 25.05.2018 and quash the same as illegal and consequently to direct the respondents to issue a fresh notification for the post of Manager (Marketing) as per law.

For Petitioner : Mr.K.P.Sankara Kumara Kuruparan

O R D E R

The petitioner herein is the Staff Welfare Association, who is aggrieved against the appointment of the third respondent herein, who has been appointed as a Marketing Manager on 25.05.2018. The ground raised by the petitioner herein challenging the appointment of the third respondent is that the third respondent does not have the sufficient experience to be appointed.



2.The writ petition does not deserve consideration to be admitted on two grounds. Firstly, the petitioner is a Staff Welfare Association, who have not spelt out the reason as to how they are aggrieved against the appointment of the third respondent in the first respondent Corporation. When no grievance has been reflected in the grounds raised by the petitioner which could affect the first respondent Corporation, the writ petition does not deserve consideration.

3.Secondly, the third respondent's appointment was made on 25.05.2018 and apparently he is continuing to exercise his duty in the post of Marketing Manager for almost 20 months. After having considerably held the post for such a long period, there is no justification on the part of the petitioner Association to approach this Court belatedly challenging the appointment. On this ground of laches also, this writ petition does not deserve consideration.

4.The learned counsel for the petitioner would submit that in view of the appointment of this nature, the company had started to face downfall.

5.I am not in agreement with such a submission made. If at all any one is aggrieved against the downfall on such alleged appointment made, it is for the Company to redress the grievance by taking appropriate course of action and the Staff Welfare Association will not be the appropriate person to maintain the writ petition.

6.For all the forgoing reasons, I do not find any merits in the present writ petition. This Writ Petition stands dismissed accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Writs)

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Sub Assistant Registrar(CS)

cp

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