



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.02.2021

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P. (MD) No.1927 of 2021

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Tamil Nadu Newsprint and Papers Limited
Worker's Rights organisation (TNPL-WRO)
Rep. by its President Mr.Pon.Elangovan
No.18/1, Arasi Nagar (Pugazhi Nagar South)
Velayuthampalayam,
Karur District-639 117.

...Petitioner

Vs.

- 1.The State Tamil Nadu
Rep by its Principal Secretary to Government,
Labour and Employment Department,
Fort St.George, Chennai-600 009.
- 2.The Chairman/Secretary to Government,
Tamil Nadu Newsprint and Papers Limited (TNPL),
Industries Department,
No.67, Mount Road, Guindy,
Chennai-600 032.
- 3.The Managing Director,
Tamil Nadu Newsprint and Papers Limited (TNPL)
Industries Department,
No.67, Mount Road, Guindy,
Chennai-600 032.
- 4.Executive Director,
Tamil Nadu Newsprint and Papers Limited,
Kagithapuram-639 136,
Karur District.
- 5.The Chief General Manager (Human Resources)
Tamil Nadu Newsprint and Papers Limited,
Kagithapuram-639 136,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorari, calling for the records relating to the impugned Notifications issued by the fifth respondent Chief General Manager (HR), TNPL in DIPR/297/Display/2020 dated Nil (published vide On-line in February, 2020) and in DIPR/1170/Display/2020 dated Nil (published vide On-line in December, 2020), quash the same.



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For Petitioner : Mr.P.Muthuvel
for M/s. Isaac Chambers

For R-1 : Mrs.J.Padmavathi Devi
Special Government Pleader

For R-2 to R-5 : Mr.M.P.Senthil

ORDER

By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

2.The petitioner herein is aggrieved against the notifications in DIPR/297/Display/2020 dated Nil (published vide On-line in February, 2020) and in DIPR/1170/Display/2020 dated Nil (published vide On-line in December, 2020), whereby the fifth respondent herein had called for applications to recruit 83 candidates in the management cadre. The petitioner herein is the workers trade union in the third respondent Company. The main ground raised by the petitioner is that there are about 960 Officers managing about 1338 workmen and by recruiting more Management Officers, the ratio between the management and the workers would result in incurring loss to the company. According to the petitioner, these recruitment is unwarranted.

3.I am unable to see as to how the trade union workers in the third respondent company could be affected in any manner, when management officials are sought to be recruited. It is purely a decision of the management to recruit the Officials for the requirement of the Company.

4.The learned Standing Counsel for the respondents 2 to 5 submitted that the company intends to expand their units and therefore, these recruitment is absolutely necessary. While that being so, the trade union workers will have no *locus standi* to question the management decision to have such recruitment. It would be the prerogative of the Management to take a policy decision with regard to the requirement or non-requirement of their own officials and the trade union of workers cannot have any say in this.

5.Since the petitioner is unable to establish as to how the trade union of workers can maintain the writ against the notifications for recruitment of the person in the management cadre, there are no merits in the present writ petition. The



motive. Accordingly, this Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(T & P)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

cp

NOTE:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

The Principal Secretary to Government,
State Tamil Nadu
Labour and Employment Department,
Fort St.George, Chennai-600 009.

+1 CC to M/s.ISSAC CHAMBERS, Advocate (SR-3592[F] dated 05/02/2021)

+1 CC to M/s.M.P.SENTHIL, Advocate (SR-3433[F] dated 05/02/2021)

+1 CC to M/s.GP (SR-3551[F] dated 05/02/2021)

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MJ(CO)
TR(01.03.2021) 3P 5C