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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.21547 of 2021

and

WMP.Nos.22755 & 22756 of 2021

NLC Thesiya Opantha Matrum INDCO Serve
Thozhilalar Sangam,
Represented by its Honorary Secreatary,
K.Manoharan, President,
District Council of Indian national
Trade Union Congress office,
at No.5, Kamarajar Nagar,
Nellikuppam and Post, Paurti, Cuddalore District.

.. Petitioner

vs.

1. The Chairman cum Managing Director,
NLC India Limited, Corporate Office,
Block -1, Neyveli.
2. The Executive Director Human Resource,
NLC India Limited, Corporate Office,
Block-1, Neyveli.
3. The Managing Director,
Tamil Nadu Industrial Cooperative Society,
(shortly called as INDCOSERVE)
Opp. To Thermal Station-1, Neyveli.
4. Deputy General Manager / HR, CO (to join TPS -II)
NLC India Limited, Neyveli.
5. Deputy General Manager / HR, TA,
NLC India Limited, Neyveli.
6. Deputy General Manager / HR, Mine-1 & IA,
NLC India Limited, Neyveli.
7. NLC General Contract Workers and Staff Union (CITU)
Rep. By its General Secretary,
Behind Central Bus Stand, Block-24,
Neyveli-1.



8. NLC Contract and Indcoserve Progressive Union LPF (C),
Rep. By its General Secretary,
Anna Salai, Block-25, Neyveli-03.

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9. NLC Anna Indcoserve and Contract Thozhilalar
Sangam (ATP),
Rep. By its General Secretary,
Anna Salai, Block-17, Neyveli-01.

10. NLC Pattali Oppantha Thozhilalar Sangam (PTS) (C),
Rep. By its General Secretary,
K.M.Suburaman Salai, Block-19, Neyveli-01.

11. NLC Orunginatha Oppantha Podhu Thozhilar
Sangam (LLF),
Rep. By its General Secretary,
D38, Anna Salai, Block-25,
Neyveli-01.

12. NLC Oppantha Thozhilalar Vazhvurimai Sangam (TVS),
Rep. By its Patron, T.Velmurugan MLA,
Opp to Neyveli Township, Thillai Nagar,
Vadakuthu Post, Neyveli-04.

13. NLC Contract Mazdoor Sangh (BMS),
Rep. By its General Secretary,
Perumal Koil Street, Block-27,
Neyveli-03.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus seeking to call for the records of the second respondent Management in Lr.No.CORP/HR/IR/722/2020 dated 13.09.2021 and to quash the same and consequently direct the Committee consisting of the 4th respondent to 6th respondent to hear the objections of the petitioner Union Contract Labours individually who have placed for consideration in person.

For Petitioner : Mr.P.Paramasiva Doss

For Respondents : Mr.N.Nithianandam for R1 to R6

R7, R8, R11 to 13 : No Appearance

R9 & R10 : Not Ready in Notice



O R D E R

The petitioner, challenging the impugned communication of the second respondent dated 13.09.2021 addressed to the third respondent, in and by which provisional names of 3184 Contract Labours were enlisted and communicated and necessary steps were directed to be taken for enrolling them as Members of the Respondent Society, has filed the present writ petition.

2. The Writ Petition was listed before this Court on several occasions between 04.10.2021 and 31.03.2022, but till date the respondents have not chosen to file counter affidavit.

3. Mr.P.Paramasiva Doss, learned counsel for the petitioner would submit that the petitioner Association has submitted an objection to the respondents to constitute a Committee to look into the grievances of the members of the petitioner Association to revise the seniority list and further submits that he is not pressing for challenge made to the seniority list published by the respondents and the claim of the petitioner Association is only for consideration of the objection raised by them for revision of seniority list.

4. Mr.N.Nithianandam, learned Standing Counsel for the respondents 1 to 6 has strongly objected by stating that the Committee has been constituted only based on the request of the petitioner Association and therefore, the objections of the petitioner is not maintainable, since aggrieved persons have not approached the authorities concerned.

5. Considering the limited scope of prayer, this Court, without expressing anything on merits, directs the respondents 1 to 6 to consider the individual objections along with relevant records/documents made by the members of the petitioner Association and pass orders on merits and in accordance with law within a period of four weeks from the date of receipt of a copy of this order. It is made clear that individual objections including relevant records / documents made by the members of the petitioner Association shall be enclosed along with this order copy addressed to the respondents.



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6. The Writ Petition stands disposed of with the above directions. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (CS-VIII)

//True Copy//

Sub Assistant Registrar

Jvm

To

1. The Chairman cum Managing Director,
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6. Deputy General Manager / HR, Mine-1 & IA,
NLC India Limited, Neyveli.

+1cc to Mr.P.Paramasivados, Advocate, S.R.No.27063

+1cc to Mr.N.Nithianantham, Advocate, S.R.No. 26894

W.P.No.21547 of 2021

SSV(CO)
SU(27/04/2022)