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W.P(MD)No.14829 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

W.P(MD)No.14829 of 2020

and

W.M.P(MD)No.12490 of 2020

A.Rajarajan

... Petitioner

Vs.

1.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

2.The Deputy General Manager(HR),
Nuclear Power Corporation of India Ltd.,
Kudankulam Nuclear Power Project,
Kudankulam, Radhapuram Taluk,
Tirunelveli District.

3.The Inspector of Police,
Kudankulam Police Station,
Tirunelveli District.

4.The Project Manager,
Larsen & Toubro Limited,
Kudankulam Nuclear Power Project,
Main Plant,
Unit 3 & 4 Site Office,
Kudankulam,
Tirunelveli District - 627 106

... Respondents

(R4 is impleaded vide Court order dated 26.04.2021 in
W.M.P(MD)No.6473 of 2021 in W.P(MD)No.14829 of 2020
by NAVJ)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking for issuance of a Writ of Mandamus, directing the second respondent to reissue a RFID Card to the petitioner based on his representation dated 29.07.2020 within a time frame as fixed by this Court.

For Petitioner	: Mr.A.Kesavan
For R-1 & R-3	: Mr.A.Thirvadi Kumar, Additional Public Prosecutor
For R-2	: Mr.C.Muthu Saravanan
For R-4	: Mr.S.Suresh



ORDER

The Writ Petition has been filed seeking for a direction to the second respondent to reissue a RFID Card to the petitioner based on his representation dated 29.07.2020.

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2. It is the case of the petitioner that he was engaged by the second respondent as a Contract Labour to work under the fourth respondent. It is the further contention that he has been working as a Contract Labour and RFID Card was also issued by the second respondent for the period from 09.03.2020 to 08.04.2020. After expiry of the card, the fourth respondent has applied for renewal of identity card, whereas the second respondent has not renewed it on the ground that a criminal case was pending against the petitioner in Crime No.20 of 2015 for the offence under Sections 147, 148, 450, 294(b), 323 and 307 of I.P.C and Section 4 of Tamil Nadu Prohibition of Women Harassment Act. Hence, it is the contention that for the similarly placed person, I.D., Card has been renewed and despite his representation dated 29.07.2020, his case has not been considered.

3. I have heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. It is the contention of the learned counsel for the petitioner that the petitioner was working under the fourth respondent in the second respondent premises and he was issued with I.D Card for the period from 09.03.2020 and 09.04.2020. When the renewal was applied by the fourth respondent, the second respondent has not renewed it stating that there was a criminal case pending against the petitioner. Hence, seeks a prayer as sought for.

5. The learned counsel for the fourth respondent would submit that though the petitioner was previously engaged through the Sub-Contractor, now the fourth respondent has no idea about the petitioner work. It is the contention that they used to engage contract labours from various sub-contractors. On one occasion, the petitioner was engaged through one of the sub-contractors and submitted that now the petitioner is not working under them.

6. The learned counsel for the second respondent would submit that the Contract Labours engaged through sub-contractors were allowed to work in the Nuclear Project on proper issuance of I.D., Card for a period of one month. Only after such Contract Labour was allowed to work continuously by the sub-contractor, normally I.D., Card will be issued. Hence, his contention is that the petitioner is not working under any of the Contractors now. Further, a criminal case is also foisted against him. Therefore, as a matter of right, he cannot claim a direction to the second respondent to issue an I.D., Card to enter into the second respondent premises, which is a highly secured place. Hence, this writ petition is

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7. As the facts narrated above culled out from the writ petition and submissions, it could be seen that the petitioner is not working under the fourth respondent engaged by the second respondent. Now, the fourth respondent also took a stand that he is not working with them. It is not the case of the petitioner that he was engaged directly at any point of time. Therefore, the petitioner being a Contract Labour and engaged by Sub-Contractor previously, as a matter of right, cannot claim for an I.D., Card issued by the second respondent without being the petitioner engaged by any of the sub-contractors, who was recognised by the second respondent. Hence, this Court is of the view that as a matter of right, the petitioner cannot seek a direction to issue an I.D. Card to enter into the second respondent Corporation or to secure re-job under any of the sub-contractors.

8. In such view of the matter, the writ petition is dismissed. No Costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (T&P)

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Sub Assistant Registrar(CS)

pm

To:

- 1.The Superintendent of Police,
Tirunelveli District, Tirunelveli.
- 2.The Deputy General Manager(HR),
Nuclear Power Corporation of India Ltd.,
Kudankulam Nuclear Power Project,
Kudankulam, Radhapuram Taluk,
Tirunelveli District.
- 3.The Inspector of Police,
Kudankulam Police Station,
Tirunelveli District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

W.P(MD)No.14829 of 2020

16.03.2022

RD(30.03.2022) 3P 5C

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