



W.P.(MD)No.14947 of 2022

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2022

CORAM:

THE HONOURABLE MR.JUSTICE G.CHANDRASEKHARAN

W.P.(MD)No.14947 of 2022

M.P.Sivasamraj

... Petitioner

Vs.

1.Union of India

Through its Secretary,
Ministry of Textiles,
Udyog Bhavan,
New Delhi.

2.The Chairman cum Managing Director,
National Textiles Corporation Limited,
Core-IV, Scope Complex,
Lodhi Road,
New Delhi-1100003.

3.The Director (HR),
National Textiles Corporation Limited,
Core-IV, Scope Complex,
Lodhi Road,
New Delhi-1100003.

... Respondents



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PRAYER:- Writ Petition - filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 05.01.2022 and 12.03.2022 and confirm the petitioner in the Cadre of General Manager with effect from 01.04.2017 and consequently directing the respondent to pay the due yearly increments from 2017.

For Petitioner : Mr.P.Balasubramanian
for Mr.K.S.Muthu
For Respondent : No-appearance

ORDER

This Writ Petition has been filed to direct the respondents to consider the representations of the petitioner, dated 05.01.2022 and 12.03.2022, confirm the petitioner in the Cadre of General Manager with effect from 01.04.2017 and pay the due yearly increments from 2017.

2. The learned counsel appearing for the petitioner submitted that the petitioner has joined in the National Textiles Corporation Limited as Deputy General Manager on 22.08.2012 and he was posted as



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in-charge at Kaleeswarar “B” Mill. After completion of probation of one year, he was confirmed as Deputy General Manager on 21.08.2013 and then, he was transferred to Sri Renga Vilas Mill on 18.03.2016. Thereafter, the petitioner was promoted as General Manager on probation vide proceedings of the Deputy General Manager (HR) in NTC/SRO/HR/2017-04, dated 27.04.2017 with effect from 01.04.2016.

3. It is further submitted by the learned counsel appearing for the petitioner that as per the said proceedings, the petitioner is under probation for a period of one year; the annual increment is due as on 01.07.2016; the next annual increment would be sanctioned on completion of probation. Thereafter, on 05.07.2017, he was transferred to Kannoor Spinning and Weaving Mills, Kakkad. However, on completion of one year of service, as on 31.03.2017, the respondents have failed to declare his probation, pursuant to the Rule 28(3) of the Conduct, Discipline and Appeal Rules. Therefore, in this regard, the petitioner has made a representation on 30.12.2017 to the second respondent with a request to declare his probation and for consequential benefits, followed



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by the representations, dated 24.09.2018, 26.11.2018, 03.12.2018, 12.12.2019, 03.12.2020, 09.07.2021, 30.09.2021, 05.01.2021, 01.11.2021 and 12.03.2022. Despite the representations have been sent by the petitioner, no positive order has been passed by the respondents. Hence, this Writ Petition has been filed.

4. This Court considered the submissions made by the learned counsel appearing for the petitioner and perused the materials available on record.

5. It is relevant to refer to the Rule 28(3) of the Conduct, Discipline and Appeal Rules, which reads as under:-

28.3-Probation on promotion:

An employee on promotion to a higher grade/post will be on probation for a period of one year from the date of assuming charge of higher grade/post. This period can be extended for a period not exceeding six months at a time at the discretion of the Competent Authority, due to unsatisfactory conduct or performance during the probationary or extended period of



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probation. The decision of the Management regarding confirmation or extension of probation or reversion shall be conveyed to the employee in writing. The employee shall be deemed to be under probation, till confirmed in writing.

6. As per the said Rule, an employee on promotion to a higher grade/post will be on probation for a period of one year from the date of assuming charge of higher grade/post. This period can be extended for a period not exceeding six months at a time at the discretion of the Competent Authority, due to unsatisfactory conduct or performance during the period of probation.

7. In the case on hand, it is submitted by the learned counsel appearing for the petitioner that there are no adverse remarks against the petitioner and no order has been passed extending the period of probation of the petitioner.



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8. In the said circumstances, considering the fact that despite the representations have been sent by the petitioner to declare his probation, no order has been passed on the representations of the petitioner, this Court directs the respondents to consider the petitioner's representations, dated 05.01.2022 and 12.03.2022 and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order.

7. Accordingly, the Writ Petition stands disposed of. No costs.

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Internet: Yes/No

Index : Yes/No

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G.CHANDRASEKHARAN, J.

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