



W.P.No.35187 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.07.2023

CORAM :

THE HONOURABLE MR. JUSTICE M. DHANDAPANI

W.P.No.35187 of 2016

and

W.M.P.No.30290 of 2016

Thesia Panchalai Kazhaga
Thozhil Nutpa Mattrum
Nirvaga Paniyalargal Munnettra
Sangam, (LFT) Reg.No.1328. Covai,
Rep. by its General Secretary,
No.134/158, Pankaja Mills Colony,
Ramanathapuram (Post),
Coimbatore – 641 045.

... Petitioner

Vs.

1.The Chairman cum Managing
Director, National Textiles Corporation Ltd.,
Scope Complex, Core – IV, 7 Lodi Road,
New Delhi – 110 003.

2.The Executive Director,
National Textiles Corporation Ltd.,
Southern Regional Office,
NTC House, 35-B, Somasundaram Mills Road,
Coimbatore – 641 009.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, forbearing the respondents from making any fresh direct recruitment, from extending the services of retired



W.P.No.35187 of 2016

employees or transferring any persons from other regions for the post of supervisor upto General Manager in the National Textile Corporation, Southern Region and directing them to fill up the same by departmental promotion from the available persons in the NTC Ltd., Southern Region, Tamilnadu as it was originally followed.

For Petitioner : M/s.K.Venkatapathy

For Respondents : Mr.Anand Gopalan
for M/s.T.S.Gopalan & Co

ORDER

This Writ Petition has been filed seeking for a Writ of Mandamus, to forbear the respondents from making any fresh direct recruitment, from extending the services of retired employees or transferring any persons from other regions for the post of supervisor upto General Manager in the National Textile Corporation, Southern Region and directing them to fill up the same by departmental promotion from the available persons in the NTC Ltd., Southern Region, Tamilnadu as it was originally followed.

2. The case of the petitioner is that, the petitioner Union is a recognized union in National Textile Corporation, Southern Regional Office, Coimbatore having more than 1200 members from all cadres like



W.P.No.35187 of 2016

Workmen, Staff and Officers. There are nearly 300 staff and 150 officers employed in NTC SRO Coimbatore and there are only 15 mills under the administrative control of NTC-SRO. The grievance of the petitioner is that the transfer of staff, supervisors and officers from other regions to Southern Regional affects the staff and officers in the Southern Region. The vacancies in the Supervisory and Officer cadre should be filled only by promotion among serving employees and not by new recruitment. It is also the grievance of the petitioner that the retired employee should not be reemployed as it affects the promotion opportunities of the serving employees. Expressing their grievances, the petitioner Union made a detailed representation on 20.07.2016 before the second respondent and the same was not considered. Hence, the above writ petition is filed before this Court.

3. Though very many grounds have been raised in the present writ petition, the learned counsel for the petitioner submits that, it would suffice, if this Court, issues a direction to the second respondent to consider the representation dated 20.07.2016 and pass appropriate orders, within a time frame that may be stipulated by this Court.



W.P.No.35187 of 2016

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4. The learned counsel appearing for the respondents 1 and 2 submits that, two channels of promotion was introduced as per the revised promotion policy framed by NTC Ltd. One is a professional channel i.e., based on qualification, performance and merit and another is a normal channel based on seniority and merit. During the years 2015 to 2017, 83 officers in the Southern Region were given promotions. In order to fill-up the vacancies in managerial grade against vacancies, 97 persons were directly recruited as per company recruitment rules. Direct recruitment was made since there was superannuation of the officers and after giving promotions still there were vacancies and therefore, direct recruitment used to be made in the Southern Region as well as other Regions. Further, it was also decided that the recruitment will be on an all-India basis. All these changes were to meet the various exigencies as referred to above, they were done in a transparent manner not with a view to cause any prejudice to the employees in the officer and supervisory category. Accordingly, he prays for dismissal of the above writ petition.



W.P.No.35187 of 2016

5. Considering the limited relief sought for by the petitioner, this Court, without going into the merits of the case, directs the second respondent to consider the petitioner Union's representation dated 20.07.2016 and pass appropriate orders, on merits and in accordance with law, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. With the above directions, the Writ Petition is disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

11.07.2023

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation Case : Yes / No

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To

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W.P.No.35187 of 2016

M.DHANDAPANI, J.

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W.P.No.35187 of 2016

11.07.2023