



WEB COPY



W.P.No.35648 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.11.2023

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P.No.35648 of 2019 and
W.P.No.6375 of 2020

W.P.No.35648 of 2019

T.Muthukumaran

... Petitioner

Vs.

- 1.Union of India,
Rep by its Secretary to Government,
Department of Fertilizers,
Ministry of Chemicals and Fertilizers,
Government of India,
Shastri Bhavan, New Delhi 110 001.
- 2.The Secretary,
Department of Public Enterprise,
Union of India,
New Delhi - 110 001.
- 3.The Secretary,
Department of Personnel and Training,
Union of India,
New Delhi - 110 001.
- 4.The Chairman and Managing Director,
Madras Fertilizers Ltd.,
Manali, Chennai - 600 068.



W.P.No.35648 of 2019

5. The General Manager - P & A,
Madras Fertilizers Ltd.,
Manali, Chennai - 600 068.
6. R.Elanchitran
7. N.Jagannivasan
8. S.Sundararajan
9. T.Liyarani

(R7 to R9 were impleaded vide order dated
10.10.2023 made in W.M.P.No.24672 of 2023)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned recruitment notification dated 25.09.2019 and its corrigendum dated 25.10.2019 issued by the 5th respondent and quash the same and consequently, direct the respondents 4 and 5 to follow the settlement made in Clause 6.07 of Section 18(1) of the Industrial Disputes Act dated 20.09.2018, DPE order No.F.No.DPE-GM-01/0001/2015-GM-FTS-4857, dated 14.12.2015 and DOPT O.M.No.36011/1/98-Estt.(Res) dated 01.07.1998.

For Petitioner : Mr.M.R.Jothimanian
For Respondents : Mr.M.Arvind Kumar, SCGPC for R1 & R3
: Mr.Jayesh Dolia, Senior Counsel for
Mr.S.Radhakrishnan for R4 & R5

W.P.No.6375 of 2020

- 1.R.Prasath
2.S.Krishna Prabu



W.P.No.35648 of 2019

- 3.N.Gopi
- 4.C.Anitha
- 5.Mohammed Riyaz Deen A
- 6.K.P.Jyothi Babu
- 7.R.Rajarajan
- 8.Balasubramanian S
- 9.Vinod Kumar P
- 10.Naresh Kumar V
- 11.Sankar R
- 12.Yogindhar Prasad MV
- 13.Bharat Kumar Marisetti
- 14.E.V.Arul
- 15.M.C.Saravanan
- 16.Bharat Lalchand Godi
- 17.V. Prabakaran
- 18.R.Valampuri John
- 19.T.Venkadasubramanian
- 20.P.Venkatesan
- 21.M.Ahilan
- 22.M.Kumaran
- 23.D.Manikandan

... Petitioners

Vs.

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Rep by its Secretary to Government,
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W.P.No.35648 of 2019

3. The Secretary,
Department of Personnel and Training,
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New Delhi - 110 001.

4. The Chairman and Managing Director,
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Manali, Chennai - 600 068.

5. The General Manager - P & A,
Madras Fertilizers Ltd.,
Manali, Chennai - 600 068.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the impugned recruitment notification dated 25.09.2019 issued by the 5th respondent and quash the same and consequently, direct the respondents 4 and 5 to promote the petitioners as Supervisory posts viz., E1.

For Petitioners : Mr.K.Balu

For Respondents : Mr.M.Sathyan, ACGSC for R1 to R3
: Mr.Jayesh Dolia, Senior Counsel for
Mr.S.Radhakrishnan for R4 & R5

COMMON ORDER

The Writ Petition in W.P.No.35648 of 2019 has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the records of the impugned recruitment notification dated 25.09.2019 and its corrigendum



W.P.No.35648 of 2019

dated 25.10.2019 issued by the 5th respondent and quash the same and consequently, direct the respondents 4 and 5 to follow the settlement made in Clause 6.07 of Section 18(1) of the Industrial Disputes Act dated 20.09.2018, DPE order No.F.No.DPE-GM-01/0001/2015-GM-FTS-4857, dated 14.12.2015 and DOPT O.M.No.36011/1/98-Estt.(Res) dated 01.07.1998.

2. The Writ Petition in W.P.No.6375 of 2020 has been filed seeking to issue a Writ of Certiorarified Mandamus to call for the records of the impugned recruitment notification dated 25.09.2019 issued by the 5th respondent and quash the same and consequently, direct the respondents 4 and 5 to promote the petitioners to Supervisory posts viz., E1.

3. When the matters are taken up today, the learned Senior Counsel appearing for the respondents 4 and 5 in both the Writ Petitions submitted that the impugned notification dated 25.09.2019 has been withdrawn.



W.P.No.35648 of 2019

4. In that case, nothing will prevent the respondents 4 and 5 to consider the petitioners' names for promotion, if they are found to be eligible and suitable as per the promotion policy and the Settlement.

5. With the above observations, these Writ Petitions are disposed and the respondents 4 and 5 are directed to consider the petitioners' for promotion, if they are found to be eligible and suitable as per the promotion policy and the Settlement. No costs.

06.11.2023

Index : Yes
Internet : Yes/No
gsk



W.P.No.35648 of 2019

WEB COPY

To

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WEB COPY



W.P.No.35648 of 2019

R.N.MANJULA, J.

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