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Writ Petition No.16301 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.03.2024

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THE HONOURABLE MR. JUSTICE BATTU DEVANAND

Writ Petition No.16301 of 2018

A.Baskaran

.....Petitioner

vs.

1.NLC India Limited,
(Formerly Neyveli Lignite
Corporation Ltd.),
rep. by its Chairman and
Managing Director,
Corporate Office,
Neyveli-1

2.The Director(HR), Corporate Office,
NLC India Limited,
Neyveli-1.

3.The Chief General Manager(HR/IR),
Corporate Office,
NLC India Limited,
Neyveli-1.

4.The General Manager(HR/IR),
Corporate Office,
NLC India Limited,
Neyveli-1.

5.The Chief General Manager(TA)/
Appellate Authority,
Township Administration Office,



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NLC India Ltd.,
Block -10,
Neyveli-1

6.The Deputy General Manager(Civil),
Township Administration Office,
NLC India Ltd.,
Block -10,
Neyveli-1

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 14.09.2015 in Memo No.TA/HR/EB/DA/1310-33/2015-4 passed by the 6th respondent terminating the petitioner services as a measure of punishment, the order dated 24.10.2015 in Memo No. TA/HR/EB/DA/1310-33/2015-5 passed by the 5th respondent, modifying the above punishment of termination from service into one of demotion from the post of Assistant Officer/Admin to the post of Junior Administrative Officer and ordering for fixation of his pay in the demoted post at the minimum of the pay scale and treating the period of suspension as dies-non, quash the same and consequently direct the respondents to restore the petitioner to the post of Assistant Officer/Admin(SG-3) w.e.f. 27.08.2015, with the scale of pay applicable to the said post, with all other consequential benefits, including wage revision benefits w.e.f. 01.01.2012 and promotion to the post of Assistant Officer/Admin(SG-4), by treating the period of suspension from 27.08.2015 to 25.10.2015 as duty with pay for all purposes and to pay him all monetary benefits with arrears, after adjusting the payments already made to the



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petitioner from 26.10.2015 in the demoted post up to the date of his retirement and to settle all his terminal benefits, based on the last drawn pay, payable as on the date of retirement as applicable to SG-4 Grade scale, together with interest, award costs.

For Petitioner : Ms.Nandhini for
Mr.R.Krishnaswamy

For Respondents :Ms.S.Rachana for Mr.Benjamin
George, SC

ORDER

This Writ Petition has been filed seeking for issuance of a Writ of Certiorarified Mandamus, to call for the records pertaining to the order dated 14.09.2015 in Memo No.TA/HR/EB/DA/1310-33/2015-4 passed by the 6th respondent terminating the petitioner from service as a measure of punishment, the order dated 24.10.2015 in Memo No. TA/HR/EB/DA/1310-33/2015-5 passed by the 5th respondent, modifying the above punishment of termination from service into one of demotion from the post of Assistant Officer/Admin to the post of Junior Administrative Officer and ordering for fixation of his pay in the demoted post at the minimum of the pay scale and treating the period of suspension as dies-non, quash the same and consequently direct the respondents to restore the petitioner to the post of



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Assistant Officer/Admin(SG-3) w.e.f. 27.08.2015, with the scale of pay applicable to the said post, with all other consequential benefits, including wage revision benefits w.e.f. 01.01.2012 and promotion to the post of Assistant Officer/Admin(SG-4), by treating the period of suspension from 27.08.2015 to 25.10.2015 as duty with pay for all purposes and to pay him all monetary benefits with arrears, after adjusting the payments already made to the petitioner from 26.10.2015 in the demoted post up to the date of his retirement and to settle all his terminal benefits, based on the last drawn pay, payable as on the date of retirement as applicable to SG-4 Grade scale, together with interest.

2.Heard the learned counsel for the petitioner and the learned Standing Counsel appearing for the respondents and perused the records.

3.During the course of hearing, the learned Standing Counsel for the respondents submits that the petitioner had approached the Industrial Tribunal through the Union for the same relief sought for in the present Writ Petition. The learned Standing counsel submits that the said Industrial dispute is numbered as I.D.No.2 of 2024 and it is pending before



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CGIT/Labour Court, Chennai. The learned counsel for the petitioner has also accepted the same.

4. In view of the above factual position, as the petitioner approached the Industrial Tribunal through the Union for the same relief sought for in the present Writ Petition, in my considered view, this Writ Petition is not maintainable during the pendency of said I.D.No.2 of 2024.

5. Accordingly, this Writ Petition is dismissed. No costs.

25.03.2024

Index : Yes/No

Speaking order: Yes/No
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BATTU DEVANAND, J
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