



W.P.(MD) No.16303 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2024

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THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD)No.16303 of 2020

&

W.M.P(MD)No.13622 of 2020

Kudankulam Nuclear Power Employees Union,
Rep. By its General Secretary,
Mr.S.Renganathan

... Petitioner

Vs.

1.The Site Director,

Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Radhapuram Taluk,
Tirunelveli District.

2.The Deputy General Manager, Head (HR),

Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Radhapuram Taluk,
Tirunelveli District.



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3.The Senior Manager (HR),

Nuclear Power Corporation of India Limited,

Kudankulam Nuclear Power Project,

Kudankulam,

Radhapuram Taluk,

Tirunelveli District.

... 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 impugned order in NPCIL/KKNPP/HR/2019/S/81, dated 26.02.2019 on the file of the respondent No.3 and to quash the same as illegal and consequently for a direction, directing the respondents to allot the Type – D houses to the members of the Petitioner's Union on the basis of their date of joining seniority and without referring to the pay eligibility and not include the category of employees who are entitled for getting accommodation in the Executive Apartment in the Type – D house allotment within the time period stipulated by this Court.

For Petitioner : Mr.S.Rajasekar

For Respondents : Ms.M.Nandhitha
for Mr.C.Muthusaravanan



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ORDER

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This Writ Petition has been filed by the Union. The petitioner Union aggrieved by the proceedings No. NPCIL/KKNPP/HR/2019/S/81, dated 26.02.2019, whereby certain category of accommodation is kept out of the general pool and ear marked for allotment to certain categories of employees, such as engineers, doctors and professionals, who are unable to get the normal category of accommodation. The said proceeding is challenged on the ground that the new apartment are type-D quarters and instead of including them in the general pool for allotment to the employees, who are eligible such quarters in terms of the Rules, the same is taken out of the general pool thereby, depriving the members of the petitioner Union, who are otherwise entitled for type - D quarters accommodation. On an earlier occasion the petitioner herein, approached this Court by filing W.P.(MD)No. 3138 of 2019 challenging the Rule 2.18 (a) of Kudankulam Nuclear Power Project (KKNPP) Accommodation Rules and the learned Division Bench of this Court having opined that the writ petition is not maintainable and it is for the petitioner to approach the Management, to pursue their grievance / representation before the competent authority, directed the petitioner to approach the Management for the redressal of its grievance.



2. According to the learned counsel for the petitioner, the said grievance is not yet considered by the respondents, in spite of directions issued by this Court. If that be the case, it is for the petitioner to pursue the remedy as there was a specific direction issued by this Court to consider as expeditiously as possible, with in a period of three months. The said direction was issued on 18.12.2019. The petitioner instead of pursuing the same, once again approached this Court. Whether ear marking of the quarters in question is valid or not etc are not the matter that can be enquired into by this Court, under Article 226 of the Constitution of India. It is for the Management to decide the matters. In case, members of the petitioner herein are aggrieved with such ear marking, it is for the petitioner to move and pursue the same in accordance with law, but under no circumstances this Court can be required to decide such aspects, unless the petitioner, alleges violation of any fundamental right or legal right.

3. In the circumstances, this Court is not inclined to interfere with the impugned proceedings dated 26.02.2019. If at all the petitioner intends to submit a representation before the respondent ventilating its grievance within



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a period of four weeks from today, the respondent No.1 shall consider the said representation and pass appropriate orders thereon in accordance with law within a period of two months from the date of submission of such representation by the petitioner.

4. Accordingly, the Writ Petition is disposed of. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

NCC : Yes/No
Index : Yes/No
Internet : Yes
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11.03.2024

To

1. The Site Director,
Nuclear Power Corporation of India Limited,
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Kudankulam, Radhapuram Taluk,
Tirunelveli District.
2. The Deputy General Manager, Head (HR),
Nuclear Power Corporation of India Limited,
Kudankulam Nuclear Power Project,
Kudankulam, Radhapuram Taluk, Tirunelveli District.
3. The Senior Manager (HR),
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MUMMINENI SUDHEER KUMAR, J.

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