



W.P.(MD).No.16164 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Dated 27.11.2024

**CORAM:
THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR**

**W.P.(MD).No.16164 of 2024
and WMP(MD).No. 14056 of 2024**

S.Anbarasu

....Petitioner

Vs

1.Tamil Nadu News Printing and Papers Limited
Represented by its Chairman
67, Mount Road
Guindy, Chennai 600 032

2.The General Manager
Human Relations
Tamil Nadu News Printing and Papers Limited
Kagithapuram
Karur 639 136

....Respondents

Prayer : This Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records in the letter issued by the second respondent in HR/Leg/24 dated 14.05.2024 and quash the same as illegal and consequently direct the second respondent to reinstate the petitioner with full back wages and other monetary service benefits from 23.03.2016 onwards.



W.P(MD).No.16164 of 2024

For Petitioner : Mr.P.Thirumahilmaran

For Respondents : Mr.S.Ravichandran
Senior Counsel
for Mr.M.P.Senthil

ORDER

The instant writ petition has been filed by a Fitter employed in the second respondent company challenging the communication dated 14.05.2024 wherein they have expressed that they are not convinced with certain documents produced by the writ petitioner and they have refused to reinstate the writ petitioner in service.

2.The respondent management had issued an Advertisement in newspaper on 21.05.2015 calling for applications to the post of 'B' Fitter who are having minimum experience of 10 years. The petitioner had applied for the said post. At the time of appointment, the petitioner had submitted two experience certificates, one issued by Sri Krishna Paper Industries dated 02.07.2009 covering the period between 25.06.2000 to 02.07.2009. Another certificate issued by Sri Balamurugan Paper Board dated 02.06.2015 covering the period between 01.08.2009 to till the date of issuance of certificate. Relying upon those two experience certificates, the respondent employer had proceeded to appoint the writ petitioner. Thereafter, entertaining doubts over the experience certificate produced by the writ petitioner, the respondent



W.P(MD).No.16164 of 2024

management had requested the Vigilance Cell to conduct an enquiry and submit a report. The Vigilance Cell has submitted a report to the effect that Sri Krishna Paper Boards have disowned their certificate dated 02.07.2009 and departmental proceedings were recommended.

3.The petitioner herein by way of his letter dated 23.03.2016 had resigned from the post and the said resignation was accepted by the respondent management by way of proceedings dated 25.03.2016. The petitioner herein had filed WP(MD).No.17221 of 2016 challenging the order accepting the resignation and prayed for reinstating him with full wages. The said writ petition was disposed of by the learned Single Judge by way of an order dated 11.01.2022 wherein the writ Court had set aside the order accepting the resignation and permitted the petitioner to submit a letter revoking the resignation and submit himself for the enquiry to be conducted by the respondents. This order in the writ petition was put to challenge by the Management in WA(MD).No.144 of 2022 which was dismissed by the Hon'ble Division Bench by an order dated 23.11.2023. It is reported that a Special Leave Petition filed by the Management was also dismissed by the Hon'ble Supreme Court.

4.Pursuant to the orders of the Court, the respondent Management has addressed a communication to Sri Krishna Paper Boards and Sri Mukuntha Paper Boards on 22.02.2024 requesting them to permit the respondent



W.P(MD).No.16164 of 2024

management to verify their records. On 11.03.2024, another communication was addressed by the respondent Management to the Managing Director of Muhuntha Paper Boards. Pursuant to these requests, Muhuntha Paper Boards have addressed a communication to the respondent management on 21.03.2024 indicating the fact that they have only some of the records.

5. On 26.03.2024, the respondent management had addressed a communication to the writ petitioner indicating the availability of these documents and instructed him to appear for an enquiry on 10.04.2024. On 10.04.2024, the petitioner has appeared for the enquiry and he had produced the documents which were made available by Muhuntha Paper Boards. The respondent management having not been satisfied with those records, have proceeded issue the impugned communication on 14.05.2024 indicating the fact that those documents do not substantiate the employment of the writ petitioner with Sri Muhuntha Paper Boards for a period exceeding 10 years which would qualify him to get an appointment. In the said communication, the respondent management has stated that they are not in a position to conclusively conclude about the employment with Muhuntha Paper Boards and they are not in a position to reinstate the petitioner in services. This communication is put to challenge in the present writ petition.



W.P(MD).No.16164 of 2024

6. Heard the learned counsel appearing for the writ petitioner and the learned Senior Counsel appearing for the respondent Management.

7. After elaborate submissions made on the side of both the parties, this Court is of the considered opinion that the communication dated 14.05.2024 is nothing but expression of dissatisfaction of the respondent management over the documents produced by the writ petitioner pursuant to the order of this Court. Till any final order is passed by the respondent management, the petitioner would not have any cause of action to file the writ petition.

8. In such circumstances, this Court is of the opinion that the writ petition is premature in nature and the same is disposed of with liberty to the petitioner to approach the competent authority as and when any appropriate order is passed as against the writ petitioner. Accordingly, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

27.11.2024.

Internet : Yes/No
Index : Yes/No
NCC : Yes/No
msa



W.P(MD).No.16164 of 2024

WEB COPY To

1.Tamil Nadu News Printing and Papers Limited
Represented by its Chairman
67, Mount Road
Guindy, Chennai 600 032

2.The General Manager
Human Relations
Tamil Nadu News Printing and Papers Limited
Kagithapuram
Karur 639 136



WEB COPY



W.P.(MD).No.16164 of 2024

R.VIJAYAKUMAR, J.

msa

Pre-delivery order made in

W.P.(MD).No.16164 of 2024
and WMP(MD).No. 14056 of 2024

27.11.2024