



WEB COPY



W.P.No.744 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2025

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.744 of 2024

and

W.M.P.Nos.759 of 2024 and 12961 & 50271 of 2025

V.Umarani

... Petitioner

-Vs-

1.NLC India Limited,

Rep. By The Additional Chief Manager/HR/NSU,
Office of The Chief General Manager/NSU,
Neyveli – 607 807.

*[R1- amended as per order dt.13.02.2025 in
WMP.No.3726/2024 in WP.No.744/2024]*

2.The Chief General Manager,

New Service Unit, NLC Limited,
Neyveli – 607 807.

3.The General Manager, Human Resources,

Corporate Office, NLC Limited,
Neyveli – 607 801.

4.The Chief General Manager (HR)/Group Head-B,

Corporate Office, NLC India Limited,
Block – 1, Neyveli – 607 801.

*[R4 impleaded vide order dt.19.11.2025 made in
WMP.No.50260/25 in WP.No.744/2024]*

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying
for the issuance of a Writ of Certiorarified Mandamus, calling for the records of



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the respondents ending with the orders of the 4th respondent in Lr.No.CORP/HR/EB/NE/0623/2022 dated 28.05.2022 and the consequential orders of the 1st respondent in Lr.No.ACM/HR/Estt./NSU/2023 dated 19.09.2023 and Lr.No.ACM/HR/Estt./REP/NSU/2023-2 dated 17.11.2023 and quash the same and direct the respondents to pay current salary to the petitioner as per the orders of the Supreme Court dated 03.04.2017 and made in Contempt Petition (Civil) No.613/2017 in S.L.P.(Civil) No.2598/2009 by refixing the emoluments of the petitioner from March 2006 on par with her batchmates and further direct to pay the difference of emoluments payable from 28.11.2016, the date of reinstatement in service.

[amended vide order dt. 19.11.2025 made in WMP.No.50268/25 in WP.No.744/2024]

For Petitioner : Mr.Kandhan Duraisami

For Respondents : Mr.N.Nithiyanandam

ORDER

This Writ Petition has been filed challenging the order passed by the 4th respondent, dated 28.05.2022 and the communications of the 1st respondent, dated 19.09.2023 and 17.11.2023, thereby rejecting the request made by the petitioner seeking wage revision, time bound promotion and loyal service award for the period from 01.01.2007 to 31.12.2011 and 01.01.2012 to 31.12.2016.

2. Heard both sides and perused the materials available on record.



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3. The petitioner was selected and appointed as Typist on 06.10.1989 under Scheduled Tribe category and she had also successfully completed her training period. Thereafter, her community certificate was sent for verification before the District Level Caste Scrutiny Committee, Madurai and the petitioner's community certificate was cancelled, which was challenged before this Court in W.P.(MD).No.2419 of 2004 and by an order, dated 12.01.2007, the said order cancelling the petitioner's community certificate was quashed. Thereafter, her batchmates were promoted and their basic pay was also hiked from March 2007. However, the petitioner was not considered for promotion and she was granted basis pay less than her juniors. While being so, the petitioner was called for an enquiry by the District Level Caste Scrutiny Committee and an order was passed on 22.05.2008 concluding that physical appearance of the petitioner does not show that she belong to Schedule Tribe community. Therefore, she was terminated from service with effect from 20.08.2008. Aggrieved by the same, she filed a writ petition before the Madurai Bench of this Court in W.P.(MD)No.8093 of 2008 and the said writ petition was allowed, vide order, dated 06.09.2008, against which, the respondents have filed an appeal before the Hon'ble Supreme Court in SLP (Civil) No.2598 of 2009. The Hon'ble Supreme Court has passed an order, dated 26.02.2016, dismissing the said SLP and the relevant portion of the order is extracted hereunder:-



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“When the initial composition of the Committee was illegal, the affirmness of its order by the State Level Committee, needless to say, would not legalize the original order. Therefore, we do not find any infirmity in the order passed by the High Court.

In course of hearing, we have been apprised that some of the respondents-employees have been superannuated and some are not allowed to continue and some have some years of service. Regard being had to the facts of the case, we direct that the respondents who have been kept out of service shall be given 50% back wages. The employees who have retired as per the rules/regulations/circulars on attaining the age of superannuation, shall also be paid 50% back wages. The persons whose services have been terminated, but they have not attained the age of superannuation, they should be reinstated within four weeks and be given 50% back wages within the said period. With the aforesaid modification in the order of the High Court, the special leave petitions stand disposed of. There shall be no order as to costs.”

4. The review petition as well as the curative petition filed by the respondents have been dismissed. In the meanwhile, the petitioner was reinstated into service, however she was not paid 50% back wages. Hence, the petitioner was constrained to file a contempt petition before the Hon'ble Supreme Court in Contempt Petition (Civil) No.613 of 2017 and by an order, dated 03.04.2017, the Hon'ble Supreme Court has directed the respondents to pay the 50% back wages. Further, held that if the petitioner has been reinstated, the employer shall pay the current salary. Accordingly, the respondents have paid 50% back wages after reinstating the petitioner into service, however, she was not fixed in the revised scale of pay on par with her batchmates. Therefore,



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the petitioner had submitted several representations and the same was rejected on the ground that already the order passed by the Hon'ble Supreme Court has been complied with.

5. On a perusal of the counter affidavit filed by the respondents and also from the submissions made by the learned counsel appearing for the respondents, it is revealed that though the petitioner was reinstated into service and she was paid with 50% back wages, insofar as paying the current salary to the petitioner is concerned, the request made by the petitioner was rejected on the ground that the petitioner reported for duty on 28.11.2016 and she was paid with 50% back wages for the period from 20.08.2008 to 27.11.2016. It is relevant to extract the order passed by the Hon'ble Supreme Court, dated 03.04.2017 in Contempt Petition (Civil) No.613 of 2017 as follows :-

“Learned counsel for the respondents-contemnors submits that the petitioner has already been reinstated and a sum of Rs.9,00,000/- (Rupees nine lakhs only) has been paid towards 50% of the back wages.

At this juncture, learned counsel for the petitioner submits that the amount quantifiable under 50% is Rs.37,48,827/-. The petitioner shall give the method of calculation to the learned counsel for the respondents so that he can obtain instructions in the matter and, if required, file a reply. Needless to say, if the petitioner has been reinstated, the employer shall pay the current salary as he is obliged to do so.”



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Therefore, the respondents ought to have fixed the present salary to the petitioner on par with her batchmates. Thus, it is clear that the petitioner is entitled to 50% back wages for the non-employment period at the time of reinstatement, and she is also entitled to current salary on par with her batchmates, and time bound promotions.

6. In view of the above, the impugned orders cannot be sustained and are liable to be quashed. Accordingly, the impugned orders passed by the respondents 1 and 4 are hereby quashed and the respondents are directed to fix the scale of pay of the petitioner on par with her batchmates from the date of her reinstatement i.e., 28.11.2016, within a period of six (6) weeks from the date of receipt of a copy of this order.

7. With the above directions, this Writ Petition is allowed. No costs. Consequently, the connected miscellaneous petitions are closed.

19.11.2025
(3/3)

Index : Yes/No
Neutral Citation: Yes/No
Speaking/Non Speaking order
sp



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To

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- 1.The Additional Chief Manager/HR/NSU,
NLC India Limited,
Office of The Chief General Manager/NSU,
Neyveli – 607 807.
- 2.The Chief General Manager,
New Service Unit, NLC Limited,
Neyveli – 607 807.
- 3.The General Manager, Human Resources,
Corporate Office, NLC Limited,
Neyveli – 607 801.
- 4.The Chief General Manager (HR)/Group Head-B,
Corporate Office, NLC India Limited,
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G.K.ILANTHIRAIYAN. J,

sp

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W.M.P.No.50260 of 2025

in

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G.K.ILANTHIRAIYAN, J.

This Writ Miscellaneous Petition has been filed seeking to permit the petitioner to implead “The Chief General Manager (HR) / Group Head-B, Corporate Office, NLC India Limited, Block – 1, Neyveli 607801” as 4th respondent in W.P.No.744 of 2024, is ordered as prayed for.

19.11.2025

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(1/3)

Note: Registry is directed to carry out the necessary amendment in the cause title.



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further direct to pay the difference of emoluments payable from 28.11.2016, the date of reinstatement in service, and pass such further or other orders as it may deem fit and render justice, is ordered as prayed for.

sp

19.11.2025
(2/3)