



W.A.(MD) No.1432 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2025

CORAM:

**THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA**

**W.A.(MD) No.1432 of 2019
and
C.M.P.(MD) No.11625 of 2019**

Tancem Marketing Employees
Welfare Union
rep.by its Secretary
MRM.Muralidharan
Having office at No.M2/17
TNHB, Sector 4M
Koodal Nagar
Madurai-625 018

... Appellant

-vs-

1.The Secretary to Government
Department of Personnel & Training
Government of India
North Block
New Delhi-110 011

2.The Chief Secretary to Government
Government of Tamilnadu
Fort St.George
Chennai-600 009



W.A.(MD) No.1432 of 2019

WEB COPY

3.The Secretary to Government
Department of Industries
Government of Tamilnadu
Fort St.George, Chennai-600 009

4.The Chairman & Managing Director
Tamilnadu Cements Corporation Ltd.,
Second Floor, LLA Building
735, Anna Salai
Chennai-600 002

5.The Senior Manager
Tamilnadu Cements Corporation Ltd.,
Second Floor, LLA Building
735, Anna Salai
Chennai-600 002

... Respondents

Writ Appeal filed under Clause 15 of Letters Patent to set aside the order, dated 24.10.2019, passed in W.P.(MD) No.22564 of 2019, on the file of this Court.

For Appellant : No appearance

For Respondents : No appearance for R1
Mr.S.Vinodh
Government Advocate for R2 & R3
Tapal due for R4 & R5



W.A.(MD) No.1432 of 2019

WEB COPY

J U D G M E N T

DR.G.JAYACHANDRAN, J.
AND
R.POORNIMA, J.

The appellant – Union filed the writ petition in W.P.(MD) No.22564 of 2019 challenging the recruitment notification dated 06.09.2018, contending that the recruitment process for the posts of Managers (Marketing), Deputy Manager (Marketing) and Assistant Manager (Marketing) in TANCEM has not been done in a fair and transparent manner as mandated under the orders passed by this Court in W.P.Nos.17017 of 2014 and 27152 of 2018.

2. The learned Single Judge, while considering the prayer in the said writ petition, by the impugned order dated 24.10.2019, held that the writ petition is not maintainable and it is liable to be dismissed, since the Union has no *locus standi* to file a writ petition for the relief sought and if at all any member of the Union is aggrieved individually, it is for him to seek redressal before the appropriate forum.

3. The said order is under challenge in this intra-court appeal on the ground that this Court has been entertaining writ petitions by the Unions in cases of recruitment and service matters. While so, the challenge to the



W.A.(MD) No.1432 of 2019

WEB COPY

recruitment notification on the ground that the recruitment process is not done in a transparent manner and lacks roster details cannot be thrown at the threshold as not maintainable. Further, it is contended that the principles of natural justice had not been followed by the learned Single Judge while dismissing the writ petition.

4. Though there is no representation for the appellant, this Court considering the long pendency of this writ appeal and the issue involved in this matter, has gone through the materials available on record and heard the learned Government Advocate appearing for the respondents 2 & 3.

5. The grievance of the appellant – Union in the earlier round of litigation in W.P.No.27152 of 2018 is that their members are in service for a long period and the recruitment notification issued by the respondents for the above said posts through direct recruitment will affect their promotional prospects. Hence, they sought to quash the said recruitment notification. The learned Single Judge, while considering the apprehension of the appellant – Union, by recording the assurance given by the Management that the Committee constituted for the recruitment process will undertake the selection process strictly in accordance with law and will provide enough waitage to the



W.A.(MD) No.1432 of 2019

WEB COPY

service of the candidates, by an order dated 15.02.2019, disposed of the said writ petition. Thereafter, the process of recruitment was commenced. At this juncture, the appellant – Union made a request to cancel the appointments made pursuant to the recruitment and had approached this Court by filing W.P.No.22564 of 2019. It is contended in the said writ petition that the promotional policy as mandated by this Court in the earlier round of litigation i.e. W.P.No.27152 of 2018 was not followed.

6. However, in the present writ petition, the details of selection and the alleged violations have not been mentioned. More so, as pointed out by the learned Single Judge, in the selection process, if any person was personally affected, he would have been a better person to bring the cause and seek for redressal. Bald allegations made in common in a representative capacity in respect of the recruitment process cannot be entertained in a writ petition. Though the appellant – Union contends that there is a gross violation in the roster system and the promotional policy, the affidavit filed in support of the writ petition as well as the grounds of appeal do not mention as to how the roster policy has been violated or which provision of the recruitment policy has been violated in the recruitment process. In such circumstances, this Court finds no merit in this writ appeal.



W.A.(MD) No.1432 of 2019

WEB COPY

7. Accordingly, this writ appeal is dismissed. No costs.

Consequently, connected miscellaneous petition is closed.

[G.J., J.] [R.P., J.]

20.03.2025

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

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To:

- 1.The Secretary to Government,
Department of Personnel & Training,
Government of India,
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New Delhi-110 011.
- 2.The Chief Secretary to Government,
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WEB COPY



W.A.(MD) No.1432 of 2019

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20.03.2025