

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.05.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.38357 of 2003
and W.M.P.No.46557 of 2003

M.MANI

[PETITIONER]

Vs

1 THE CHAIRMAN,
NEYVELI LIGNITE CORPORATION,
CORPORATION OFFICE, BLOCK I,
NEYVELI 607 801

2 THE CHIEF GENERAL MANAGR (S),
PERSONNEL & ADMINISTRATION,
NEYVELI LIGNITE CORPORATION,
CORPORATE OFFICE, BLOCK-I,
NEYVELI 607 801

3 THE CHIEF GENERAL MANAGR / W&A DIVISION,
PERSONNEL & ADMINISTRATION DEPARTMENT,
CORPORATE OFFICE, BLOCK-I,
NEYVELI 607 801

4 THE DEPUTY GENERAL MANAGER,
TRANSPORT & M.S.
NEYVELI LIGNITE CORPORATION,
NEYVELI 607 801

[RESPONDENTS]

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari calling for the all relevant records on the file of the Respondents Corporation in connection with the notification published in the English Daily, The Hindu, dated 11.12.2003 inviting tenders for works in so far as Sl.No.5 Unit P&A Dept/Corporate Office: CORP/W&A/P&A/GH AMB TEND/002/03-04 dated 08.12.2003 is concerned and quash the same as illegal arbitrary, unreasonable, being violated of labour legislation and rules and principles of natural justice

For Petitioner : Mr.A.R.Suresh

For R1 to R4 : Mr.N.Nithianandam

O R D E R

Heard Mr.A.R.Suresh, learned counsel for the petitioner and Mr.N.Nithianandam, learned counsel for the respondents.

2. This writ petition is filed challenging the tender notification issued by the respondent Corporation on 22.05.2003. The tender notification was relating to hiring of Ambulance Van for transporting patients from Neyveli General Hospital to Referral Hospital at Chennai, Pondicherry and Vellore, etc.

3. The writ petitioner is not the representative of all the workmen of the Corporation, nor aggrieved by the notification issued for tender. The writ petition is filed by the petitioner in his individual capacity and not representing any Union or Association. This apart, the service conditions of writ petitioner are not violated. Further, the respondents in their counter has stated that hiring of Ambulances is only to supplement the availability of the requirement of Ambulances and was not intended thereby to dispense with the requirement of Corporation's Ambulance drivers. Further, it will not result in a no work situation for Ambulance drivers or any other category of drivers/operators of light or heavy vehicles of the Corporation. When there is no violation of service conditions, the writ petitioner cannot be construed as an aggrieved person. Further, hiring of Ambulances by the respondent Corporation is a policy decision, which cannot be questioned by the writ petitioner in his capacity as an employee. In these respects, the ground raised by the writ petitioner deserves no consideration.

4. In view of the fact that the service conditions of the writ petitioner are not affected and further, hiring of Ambulances is a policy decision of the Corporation, which cannot be questioned by the employees of the corporation, the writ petition deserves no consideration and accordingly stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

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To

- 1 THE CHAIRMAN,
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+ 1 cc to Mr.N. Nithianandam, Advocate Sr.36986

NM(CO)
EU 26.5.17

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