



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 17.04.2017

WEB COPY

CORAM :

THE HONOURABLE MR.JUSTICE S.S.SUNDAR

W.P. (MD) No.6102 of 2017

T.Levi Justin Jebakumar

... Petitioner

Vs.

1. The Secretary,
Transport Department,
Secretariat,
Government of Tamil Nadu,
Chennai.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Zone,
Tirunelveli.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus directing the 1st Respondent to direct the 2nd Respondent to take action regarding the Petition dated 01.03.2017.

For Petitioner	: Mr.V.Malaiyendran
For R-1	: Mr.C.Selvaraj, Special Government Pleader.
For R-2	: Mr.K.Sathiya Singh, Standing Counsel for TNSTC.

ORDER

This Writ Petition has been filed by the petitioner for issuance of Writ of Mandamus directing the first respondent in turn to direct the second respondent to take action regarding the representation dated 01.03.2017. The petitioner herein has filed petition before the first respondent. In the said petition, he has shown the General Manager of the respondent Transport Corporation and the Branch Manager of Chettikulam Depot, Nagerkoil, in their individual name as respondents. In the petition, the petitioner



requested the first respondent herein to direct the respondents in his representation dated 01.03.2017 not to interfere with his work in any manner. His request was also to direct the second respondent to pay a sum of Rs.8,248/- as arrears of salary.

2. From the representation that is given by the petitioner before the first respondent herein, the petitioner wants the first respondent to direct the individuals, who are responsible Officers of the Transport Corporation not to interfere with his work, because they have abused their official power. It is in this context, the petitioner has come forward with the present writ petition directing the first respondent to take action on the basis of the petitioner's complaint dated 01.03.2017. As pointed out earlier, the individuals, against whom the relief was sought for from the first respondent herein are the General Manager and Branch Manager who were not made as parties in this Writ Petition. The allegations are against the individuals in their official capacity. Hence those individuals ought to have been to be impleaded as parties in this present writ petition.

3. Having regard to the nature of the complaint and the prayer that is sought for in the present Writ Petition, this Court is not inclined to entertain the writ petition. From the nature of the averments found in the complaint, as well as the present writ petition, the petitioner has expressed his grievance as against his superiors for taking action against him. For the reason stated in the affidavit filed in support of the writ petition, this Court cannot assume that the official respondents are going to pass any order against the petitioner. The apprehension of the petitioner is not supported by any material. Even assuming that the respondents are going to pass orders against the petitioner if it is in violation of law, it is always open to the petitioner to come to this Court for appropriate relief, by satisfying that the order, that may be passed, is illegal or suffers from any other legal infirmity. In these circumstances, this Court find that the Writ Petition is devoid of merits and accordingly, the Writ petition is liable to be dismissed.

4. In the result, the Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(CO)

/True Copy/

Sub Assistant Registrar



To

1. The Secretary,
Transport Department,
Secretariat,
Government of Tamil Nadu,
Chennai.

2. The Managing Director,
Tamil Nadu State Transport Corporation,
Tirunelveli Zone,
Tirunelveli.

+1cc to Spl.Government Pleader Sr.No.52527

+1cc to Mr.B.Charmurugan, Advocate Sr.No.52551

+1cc to Mr.K.Sathiya Singh, Advocate Sr.No.52552

cmr/gsp

vb/rr/02.05.2017/3p/6c

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17.04.2017