

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2018

CORAM :

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P.No.11411 of 2013

and

M.P.No.1 of 2013

R.Gurunathan

... Petitioner

Vs

1.The Principal Secretary to Government,
Industries Department,
The State of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2.The Chairman and Managing Director,
Tamil Nadu Cements Corporation Limited,
Corporate Office, "LLA Building",
735, Anna Salai,
Chennai - 600 002.

3.The Deputy General Manager i/c,
Ariyalur Cement Works,
Tamil Nadu Cements Corporation Limited,
Ariyalur.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 2nd respondent to dispose of the petitioner's representation dated 03.04.2013 immediately.

For Petitioner : Mr.A.P.Srinivas

For Respondents : Mr.R.S.Selvam
Government Advocate for R1

: Mr.A.Sivaji for R2 and R3

O R D E R

The relief sought for in the present writ petition is for a direction to direct the respondents to dispose of the petitioner's representation dated 03.04.2013.

2.The writ petitioner was employed as the Assistant Manger (Marketing) in Tamil Nadu Cements Corporation Limited and retired from service. However,

the representation dated 03.04.2013 was submitted to the respondents, when the writ petitioner was in service and working as Assistant Manager (Marketing).

3.The learned counsel for the petitioner states that the petitioner, as an Assistant Manger (Marketing), submitted a representation to the respondent Corporation in respect of certain irregularities. However, the said representation was not considered at all.

4.The learned counsel for the respondent Corporation states that the petitioner has no locus standi to submit such a representation in respect of certain administrative affairs. The writ petitioner was an employee of the Corporation and therefore, he is not empowered to submit any representation, setting out the allegations against the management. Thus, the writ petition is devoid of merits.

5.Undoubtedly, the representation was submitted by the writ petitioner, only when the petitioner was an employee of the organisation. The authorities competent are expected to be more transparent and to accept the better suggestions from the employees also, who are working for the Corporation. For long years, the efficiency of the administration has improved with the opinions, ideas and ideologies of the higher officials and also that of the employees. Thus, the ideas and opinions provided by the employees for the betterment of the Corporation, can never be brushed aside. Whenever an opinion is submitted for the betterment of the administration or Corporation, the higher authorities are bound to srutinize or consider the same in the interest of the public at large, since the Corporation is a state and public organisation. When the respondent Corporation is also functioning from and out of the funds of the Government, then it is to be construed that, they are bound to correct the mistakes or allegations, if any, pointed out to them. Contrarily, the higher officials cannot simply reject such suggestions and opinions by stating that the opinions given by the employees, cannot be considered at all. Such an attitude can never be appreciated by the Courts. Ideas and opinions, provided by the experienced employees of the organisation are also to be considered by the administrators. Administrators of a public organisation can never claim dictatorship in a democratic country. The opinions and suggestions made by any citizen have to be respected in all aspects and the same is our constitutional perspective.

6.Thus, the very submission made by the learned counsel for the respondent Corporation that the authorities need not listen the opinions and suggestions given by the writ petitioner, cannot be considered at all.

7.The learned counsel for the respondent Corporation states that the writ petitioner has now filed the present writ petition on account of the fact that he was frequently transferred. However, the issues raised by the writ petitioner in his representation is unconnected with his transfers, whereas, the present writ petition is filed against his frequent transfers.

8.Admittedly, the writ petitioner had served for many years in the respondent Corporation. Therefore, this Court is of an opinion that the authorities are bound to look into the representation of the petitioner with an open mind and consider the same on merits and in accordance with law.

9.Thus, the competent authorities of the respondent Corporation are directed to consider the representation submitted by the writ petitioner with an open mind and accordingly, proceed with the matter on merits and in accordance with law, within twelve weeks from the date of receipt of a copy of this order.

10.With the above direction, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS v)

//True Copy//

Sub Assistant Registrar

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To

1.The Principal Secretary to Government,
Industries Department,
The State of Tamil Nadu,
Fort St. George, Chennai - 600 009.

2.The Chairman and Managing Director,
Tamil Nadu Cements Corporation Limited,
Corporate Office, "LLA Building",
735, Anna Salai, Chennai - 600 002.

3.The Deputy General Manager i/c,
Ariyalur Cement Works,
Tamil Nadu Cements Corporation Limited, Ariyalur.

+1 CC TO GOVERNMENT PLEADER SR.NO. 76497

+1cc to Mr.A.P.Srinivas , Advocate SR.No. 76025

+1cc to Mr. A.Sivaji, Advocate SR.No. 76082

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ASK(26/11/2018)