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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:31.01.2022

CORAM

THE HON'BLE MR. JUSTICE V.PARTHIBAN

W.P.NO.1160 OF 2022

Sandeep Govindan

...Petitioner

Vs.

The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai - 600 006.

...Respondent

PRAYER:

Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing the labour Commissioner, DMS Complex, Teynampet, Chennai -6 to take necessary action based on the letter No.F.No.22/10/2021-LSII dated 23.03.2021 issued by Regional Labour Commissioner O/o.Chief Commissioner of Labour, New Delhi for an appropriate action on the petitioner complaint against M/s.Renault Nissan Technology Business Centre India Pvt., Ltd, Ascendas IT Park, Mahindra city SEZ, Chengalpattu - 603 004, Tamil Nadu within a time fixed by this Hon'ble Court.

For Petitioner .. Mr.K.Nirmalkumar

For Respondent .. Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

ORDER

The writ petition is filed by an ex-employee of a company called Renault Nissan Technology Business Centre India Pvt. Ltd. He was aggrieved by the action of the Company in terminating his service unjustly in 2018 on the basis of the complaint of the colleague alleging his misbehaviour against her. The termination is not the subject matter of writ petition. However, the subject matter of the writ petition is relating to certain activities of the company which, according to him are in violation of the certain Factory or Industrial Laws and therefore action needed to be taken against the company by the respondent. Therefore,



the writ petition has been filed with a prayer for issuance of writ of mandamus directing the respondent to take necessary action.

2.The very fact that the petitioner is a terminated disgruntled employee instituting this writ petition, ought not to be entertained in the first place. It is very obvious that being a terminated employee, he has an axe to grind against his former employer and very strangely he has not whispered anything about the challenge to his termination order in the affidavit filed in support of the writ petition. On the other hand, he is more concerned about the activities of his former employer and such activities according to him needed to be taken note of for the purpose of taking action against the company.

3.This Court is unable to appreciate certain facts stated in the affidavit, as these facts are self serving averments which cannot be the basis for issuing any direction, that too particularly in the absence of the Company being made party in the writ petition. As a matter of fact, this writ petition has to be dismissed for non-joinder of parties. Even otherwise, the writ petition appears to be malicious and motivated litigation which cannot be entertained as it seeks to settle personal disputes between the petitioner and his former employer. Such motivated litigation cannot be entertained by this Court in exercise of its constitutional jurisdiction under Article 226 of the Constitution of India. An extraordinary remedy like the present one cannot be extended to such litigations instituted with oblique motive, with a view to achieve collateral purpose.

4.For the above said reasons, this Court is not inclined to entertain the writ petition and therefore the same stands dismissed. No costs.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

mrm



To

The Commissioner of Labour,
DMS Complex, Teynampet,
Chennai - 600 006.

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+1cc to Mr.K.Nirmalkumar, Advocate, S.R.No.6137

W.P.No.1160 of 2022

RLD (CO)
PM/28/02/2022