



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.03.2022

CORAM

THE HONOURABLE MR.JUSTICE M.GOVINDARAJ

W.P.No.16521 of 2012

P.S.Jesurajamani

...Petitioner

Vs.

1. The Indira Gandhi Centre for Atomic Research,
represented by its Project Director,
Safety Project,
Kalpakkam - 603 102.

2. The Project Director In-Charge,
Safety Division,
Indira Gandhi Centre for Atomic Research,
Kalpakkam - 603 102.

3. The Chief Administrative Officer,
Indira Gandhi Centre for Atomic Research,
Kalpakkam - 603 102.

4. M.Ve.R.Gurunathan

...Respondents

Prayer: Writ petition filed under Article 226 of Constitution of India praying to issue a writ of certiorarified mandamus to direct the respondents 1 and 2 to permit the 26 safety officers and 36 safety staff, appointed by the firm, M.V.R.G. Ultimate Safety Solutions, to work in the plant of the first respondent at Kalpakkam, in pursuance of the order of the second respondent vide Tender No.6781/IGCAR/AEPS/2009-2010 and Work Order Number IGCAR/AEPS/12210/CE/2010, dated 28.02.2010.

For Petitioner : Mr.R.Annamalai

For R1 to R3 : Dr.D.Siman

Central Government Standing Counsel

For R4 : No appearance

O R D E R

The petitioner sought for writ of mandamus for a direction directing the respondents 1 & 2 to permit the 26 safety officers and 36 safety staff, appointed by the firm, M.V.R.G. Ultimate Safety Solutions, to work in the plant of the first respondent at Kalpakkam, in pursuance of the order of the second respondent vide Tender No.6781/IGCAR/AEPS/2009-2010 and Work Order Number IGCAR/AEPS/12210/CE/2010, dated 28.02.2010.



2.A perusal of the affidavit filed in support of the writ petition discloses that the writ petitioner and the fourth respondent said to be the partners. Further, perusal shows that the fourth respondent said to have obtained certain work orders issued by the first respondent. On the basis of these work orders, the writ petitioner claiming himself to be a partner, seeks a direction to appoint his employees as safety officers and safety staff.

3.Dr.D.Siman, learned Central Government Standing Counsel appearing for the respondents 1 to 3 would vehemently contend that the first respondent has never given any work order to the fourth respondent at any point of time. It is a wrong and misleading statement and the document is a forgery and that no tender was issued in favour of the fourth respondent much less the Government, as claimed by the petitioner.

4.At the out set, the first respondent has preferred the above writ petition in his individual capacity and not as a Firm for the direction against the first respondent, but he could not produce any scrap paper to show that he was issued with any work order pursuant to the tender floated by the first respondent. The work order said to have been issued in the name of the fourth respondent and it is declared by the first respondent as bogus one. In such circumstances, the writ petitioner, who is neither a party to the contract nor any privacy of contract with the first respondent, cannot seek the direction to appoint safety officers and safety staff. Such writ petition without any legal right, is not maintainable.

5.Further, the representation made by the petitioner discloses the financial transaction and the misunderstanding between him and his partner/fourth respondent. That will not compel the first respondent to appoint anybody recommended by him. Further, the first respondent has issued a newspaper publication dated 23.05.2012 to the effect that the M.V.R.G. Ultimate Safety Solutions, was not awarded with any contract for training certification of safety officers and safety staff for appointment or for safety engineering work. In such circumstances the writ petition is not at all maintainable.

6.Thus, the writ petition is devoid of merits and dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

True Copy//

Sub Assistant Registrar

Dua



To

1. The Project Director,
Indira Gandhi Centre for Atomic Research,
Safety Project,
Kalpakkam - 603 102.

2. The Project Director In-Charge,
Safety Division,
Indira Gandhi Centre for Atomic Research,
Kalpakkam - 603 102.

3. The Chief Administrative Officer,
Indira Gandhi Centre for Atomic Research,
Kalpakkam - 603 102.

+1cc to Dr.D.Simon(CG SC), Advocate, S.R.No.16918
+1cc to Mr.R.Annamalai, Advocate, S.R.No.16756

W.P.No.16521 of 2012

AK II(CO)
SP/02/06/2022