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W.P.No.26567 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 11.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26567 of 2016

A.Balachandran

...Petitioner

Vs.

1.Union of India,
Rep.by the Secretary,
Ministry of Petroleum and Natural Gas,
New Delhi – 110 001.

2.The Chairman,
Oil and Natural Gas
Corporation Limited (ONGC)
Tel Bhavan,
Dehradun,
PIN – 648 003.

3.Executive Director / Asset Manager,
Oil and Natural Gas Corporation Limited,
Cauvery Asset,
Karaikal,
Pondicherry Union Territory.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a Writ of Mandamus, directing the 2nd respondent to take necessary



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action on his representations dated 16.12.2015 and 08.07.2016 which were sent through proper channel and redress his grievances after affording personal hearing.

For Petitioner : Mr.A.Balachandran
(Party-in-Person)

For R1 : Mr.G.Baskaran
Central Government Standing Counsel

For R2 & R3 : Mr.M.Vijayan
For M/s.King and Partridge

ORDER

The relief sought for in the present writ petition is to direct the 2nd respondent to take necessary action on the representations submitted by the writ petitioner on 16.12.2015 and 08.07.2016, which were sent through proper channel to redress his grievances.

2. The petitioner was holding the post of Group General Manager and retired from service on attaining the age of superannuation. The petitioner appearing in person articulated his case by stating that he was subjected to harassment for many years by the respondent/Corporation. Right from the year 1993, he was being harassed by the administration on many ways. He



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made representations then and there and initiated actions, but all went in vain. The present writ petition is filed to direct the 2nd respondent/Chairman to consider his representation and initiate all appropriate actions.

3. The learned counsel for the second respondent raised an objection by stating that some of the personal allegations cannot be enquired into by the Management. That apart, there is a long delay of more than 25 years in respect of certain allegations of harassment and the Management cannot conduct an enquiry in respect of those allegations.

4. The petitioner appearing in person replied by stating that he had given complaint during the relevant point of time, but he could not able to get any remedy from the hands of the 2nd respondent/Corporation and thus, he had no other way, but to continue his job.

5. Perusal of the representations reveals that the allegations of misbehaviour of other colleagues with the petitioner in the year 1993 was raised. Near about 21 allegations are set out in the representation and many



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allegations are related to personal harassment and misbehaviour etc., That apart, some of the allegations of the years 1993, 2000, 2001 etc., there is a long delay in resolving the issues or otherwise.

6. Under these circumstances, this Court cannot issue a blanket direction to the authorities to conduct an enquiry or to consider the representation. The representation submitted must be specific, enabling the authority to consider the grievances of the retired employee for the purpose of redressal.

7. One of the allegation raised by the petitioner in person is that his promotion to the post of Executive Director was denied in violation of the rules. The petitioner has further stated that some of his juniors were promoted to the higher post without considering his name in accordance with the rules in force.

8. With reference to the grievances regarding promotion, the petitioner is at liberty to submit a specific representation to the second respondent,



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citing the name of the juniors, who were promoted in violation of the rules or overlooking his seniority or otherwise within a period of four (4) weeks from the date of receipt of a copy of this order. In the event of submitting any such representation regarding promotion to the higher post, the said representation or the grievances shall be looked into by the competent authority of the ONGC/second respondent in accordance with the rules in force and take a decision and pass orders on merits and in accordance with law as expeditiously as possible.

9. With these directions, the writ petition stands disposed of. No costs.

11.10.2022

Index : Yes
Speaking order: Yes
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To
1. The Secretary,
Union of India,
Ministry of Petroleum and Natural Gas,
New Delhi – 110 001.



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2.The Chairman,
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S.M.SUBRAMANIAM, J.

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