



WEB COPY

W.P.No.6193 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23-03-2023

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.6193 of 2016
and
WPMP No.5532 of 2016

Lt.Col.S.Ganesan (Retd.)

... Petitioner

Vs.

1.Director General of Resettlement,
Ministry of Defence,
West Block IV,
RS Puram,
New Delhi – 110 066.

2.The Airport Authority of India (AAI),
Represented by its Joint General Manager (Cargo),
Mr.D.Muralidharan,
Air Cargo Complex,
Chennai Airport,
Chennai-600 027.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the order passed by the first respondent dated 01.12.2015 bearing No.2112/SA/3125/Speaking Order/EMP and quash the same and direct the



first respondent to sponsor fresh contracts to increase the number of guards at par with other active agencies.

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For Petitioner	: Mr.B.Ramkumar for Mr.M.Naraayanaswamy
For Respondent-1	: No Appearance
For Respondent-2	: Dr.Fr.Xavier Arul Raj, Senior Counsel for Ms.A.Arul

Mary.

ORDER

The order dated 01.12.2015 issued by the first respondent keeping the services of the petitioner-Security Agency in abeyance, is under challenge in the present writ petition.

2. The writ petitioner was serving in the Indian Army and after retirement, he entered into the business of providing security in the name and style of 'M/s.Ganesan S Security Agency'.

3. The second respondent-Airport Authority of India had



entered into contract with the petitioner to provide security in their Cargo Area on 02.06.2014 for a period of one year. During the subsistence of contract, the petitioner-Security Agency had involved in serious offences and the Customs Department registered criminal cases against the petitioner and the other security personnel engaged by the petitioner.

4. The learned Senior Counsel appearing on behalf of the second respondent-Airport Authority of India made a submission that the Customs Department after adjudication imposed penalty of Rs.50 lakhs to the petitioner and therefore, the petitioner was disqualified. The petitioner was not allowed to continue the Security Services and his contract was also kept in abeyance initially and subsequently got terminated.

5. That apart, the period of contract expired on 31.05.2015. The petitioner was disqualified on account of certain serious offences of smuggling within the premises of the second respondent and was imposed with the penalty by the Customs Officials. Almost 7-1/2 years have lapsed.

6. Therefore, the relief as such sought for in the present writ



petition cannot be granted and more-so, the period of contract was also
lapsed and thus no further adjudication needs to be undertaken in respect of
the grounds raised in the present writ petition.

7. Accordingly, the present writ petition stands dismissed.

However, there shall be no order as to costs. Consequently, the connected
miscellaneous petition is also dismissed.

23-03-2023

Index : Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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To

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Director General of Resettlement,
Ministry of Defence,
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S.M.SUBRAMANIAM, J.

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