



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 16.12.2024**

**CORAM:**

**THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN**

**W.P.No.32258 of 2015**  
**and M.P.No.1 of 2015**

N.Rajeshkumar

...

Petitioner

***versus***

1.The Chairman/Managing Director,  
TANGEDCO,  
Anna Salai, Chennai - 600 002.

2.The Additional Managing Director,  
Vigilance Cell, TANGEDCO,  
Anna Salai, Chennai - 600 002.

3.K.Krishnan

...

Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of quo warranto, to show cause under what authority the third respondent is holding office, as Foreman Grade II, in Ennore Thermal Power Plant.

For Petitioner : Mr.V.Karthikeyan  
Mr.S.Siva Subramanyan  
Mr.K.Thangamani

For Respondents : Mr.David Sundar Singh  
Standing Counsel for R-1 & R-2  
Mr.V.Jugal Kumar for R-3



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**ORDER**

This writ petition is filed for a quo warranto in respect of the employment of the third respondent in holding office as Foremen Grade-II in Ennore Thermal Power Plant.

2. It is the case of the petitioner that he had completed Diploma in Electrical and Electronic Engineering (EEE) and hails from an economically and socially backward family. In spite of his best efforts to aspire a job in the respondent Board, he was not successful and till date he is depending on the temporary employment for his livelihood. At this juncture, he came to know that the third respondent had produced a bogus transfer certificate stating that he had completed VIII standard for securing a job in the respondent Board as Helper in the year 1995 and thereafter he had also been promoted as Assistant Operator in the year 1999 and as Fitter Grade-I in the year 2004 and is presently working as Foreman Grade-II from the year 2007.

3. It is the allegation of the petitioner that the third respondent had purchased several properties and also he is indulged in several business activities. In such circumstances, the petitioner had made a complaint to the



respondent Board and since no action was forthcoming, had come up with the present writ petition seeking quo warranto as against the third respondent.

4. Mr.V.Karthikeyan, learned counsel appearing for the petitioner argued that the petitioner was not at all qualified to secure a job as Helper from the respondent Board and he had manipulated and forged certificate as though he has completed VIII standard for securing the appointment.

5. The learned counsel for the petitioner by producing the proceedings of the respondent Board dated 17.05.2018 contended that in fact the complaint of the petitioner had been taken note of and based on which, his certificate was sent for verification and as the same was found fabricated, disciplinary proceedings also came to be initiated by which the delinquency was proved and the third respondent delinquent was imposed with the punishment of reduction of pay for a period of 3 years.

6. An appeal was also filed by the third respondent and the punishment came to be confirmed and in such circumstances, the learned counsel asserts that the qualification of the third respondent when proved to



be false, he cannot be allowed to hold the employment in the respondent Board.

7. Mr.David Sundar Singh, learned Standing Counsel for the respondents 1 and 2 even though had not filed any counter affidavit submitted that the third respondent was originally provided with employment under the land losers category in a scheme wherein the employment was provided for the persons whose lands were acquired for the Thermal Power Project. No such qualification was required at the time of appointment to the post of Helper but however, the complaint of the petitioner was taken note of and also appropriate proceedings has been taken as against the third respondent and which also resulted in an order of punishment imposed by the reduction of pay for a period of 3 years.

8. The learned Standing Counsel further submitted that when all the procedures had been followed while appointing, the present writ petition for the relief of quo warranto is not maintainable. Further as the petitioner is a third party, he has no *locus standi* to maintain the writ petition.

9. It is his further contention that in the disciplinary proceedings initiated against the third respondent, punishment is passed only based on



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the preponderance of probabilities and as far as the charge against him that he does not have any qualification, the third respondent had already initiated a suit to declare that the certificate issued is original and therefore until a decision is taken before the proper forum, the present writ petition filed by the petitioner cannot be sustained.

**10.** Heard the rival submissions of the respective counsels and perused the materials available on record.

**11.** It is the case of the respondent Board that the third respondent was originally appointed as Helper under a scheme provided for the persons, whose land have been acquired for the Thermal Power Project implemented by the respondents. The benefits under the scheme was extended as a special measure to compensate the persons whose land have been acquired and they have been deprived of their income from the lands and by taking note of their indigenous circumstances.

**12.** Further it is submitted that at the time of appointment of the third respondent as Helper, as he has been appointed under the scheme, no



such qualification for this post of Helper was required and therefore the certificate produced by the third respondent at the time of appointment does not have any significance.

**13.** It could be seen that the petitioner had already made a complaint in this regard to the respondents and in fact complaint has been taken note of and the certificate submitted by the third respondent at the time of appointment was sent for verification and the respondent Board came to the conclusion that the certificate is not correct. Based on the conclusions, they had already initiated disciplinary proceedings as against the third respondent and based on the enquiry report, the punishment has been imposed by reducing the pay in the rank of Foremen Grade-II for a period of 3 years and in fact the appeal prepared by the third respondent has also been rejected and the punishment has been confirmed.

**14.** The fact remains that the third respondent had already initiated suit before the appropriate forum to declare that the certificate issued to him is valid and also considering the fact that the petitioner was extended employment under the scheme provided by the respondent Board under the



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land losers category whose lands were acquired for implementing the projects and also the complaint of the petitioner was also already taken note of and the punishment has been imposed. Further when the appointment has been made in the year 1995 and almost 3 decades have passed, this Court is of the considered opinion that no further proceedings as against the third respondent is required at this length of time. However, it is made clear that it is open to the petitioner to take appropriate proceedings challenging the punishment imposed for inadequacy or otherwise, as advised.

15. With these observations, this Writ Petition stands *dismissed*.  
Consequently, connected Miscellaneous Petition is closed.

16. There shall be no order as to costs.

16.12.2024

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

sri

To

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TANGEDCO,

7/9



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**G.ARUL MURUGAN, J.**

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