



WEB COPY



W.P.No.15043 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.01.2024

CORAM

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.No.15043 of 2021

S.Jeyakumar

... Petitioner

Vs.

1.The Chairman,
TANGEDCO, 10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.

2.The Director General of Police,
Vigilance,
TANGEDCO, 10th Floor, NPKRR Maaligai,
14, Anna Salai, Chennai 600 002.

3.The Inspector of Police (Vigilance),
TANGEDCO, 9th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.

4.Mrs.Srilekha ... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 07.07.2019 and reminder dated 19.08.2020 by taking disciplinary action / departmental enquiry against the 4th respondent within a reasonable time.

For Petitioner : Mr.P.Venkatraman



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For Respondents : Mr.K.Rajkumar,
Standing Counsel for R1 to R3
Mr.R.Ganesh Kumar for R4

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 07.07.2019 and reminder dated 19.08.2020 by taking disciplinary action / departmental enquiry against the 4th respondent within a reasonable time.

2. Heard Mr.P.Venkatraman, learned counsel for the petitioner, Mr.K.Rajkumar, learned Standing Counsel for the respondents 1 to 3 and Mr.R.Ganesh Kumar, learned counsel for R4.

3. The petitioner is said to be a relative of the fourth respondent. The fourth respondent and her husband approached the petitioner with a business idea of obtaining sub-dealership for sales and service of Hyundai Fork Lift and Hitachi Excavators. For the said business, the petitioner was asked to invest a sum of Rs.40,00,000/-. Believing the words of the



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fourth respondent and her husband, the petitioner had given a sum of Rs.36,00,000/- to them on various dates. But the fourth respondent neither got the dealership for the petitioner nor repaid the amount given by the petitioner. Therefore, the petitioner filed a money suit for recovery of money before the City Civil Court, Chennai and the same is pending. The petitioner also made a complaint to the first respondent where the fourth respondent was working as Assistant Engineer and requested to take departmental action against the fourth respondent. Since no fruitful action was taken by the respondents 1 to 3 against the fourth respondent, the petitioner submitted a representation on 07.07.2019 and thereafter, a reminder on 19.08.2020, for taking action against the fourth respondent. Since the said representations evoked no response, the petitioner is before this Court.

4. The learned counsel for the petitioner submitted that in response to the complaint given by the petitioner before the first respondent, the departmental action was initiated against the fourth respondent and the petitioner was also called for an enquiry. But thereafter, the complaint



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was kept pending without taking any action. So the respondents shall be directed to consider the representation submitted by the petitioner in this regard.

5. The learned Standing Counsel for the respondents 1 to 3 submitted that the petitioner is a third party and he cannot file a Writ Petition against the employee of TANGEDCO seeking to take departmental action against the said employee. Therefore, the petitioner has no *locus standi* to file this Writ Petition seeking the above direction.

6. Admittedly, the petitioner is a third party. When there is no employee-employer relationship between the petitioner and the TANGEDCO, he cannot file this Writ Petition seeking a direction against the respondents 1 to 3. There is no privity of contract between the petitioner and TANGEDCO. It is the discretion of the employer to take departmental action against its own employee. So the Petitioner has no *locus standi* to file a Petition of this nature seeking a direction against TANGEDCO. Therefore, I find no merits in this Writ Petition and is liable



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to be dismissed.

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7. In view of the above stated reasons, this Writ Petition is dismissed. No costs.

19.01.2024

Index : Yes /No
Internet : Yes/No
Speaking / Non-speaking
Neutral Citation : Yes / No
gsk

To

- 1.The Chairman,
TANGEDCO, 10th Floor, NPKRR Maaligai,
144, Anna Salai, Chennai 600 002.
- 2.The Director General of Police,
Vigilance,
TANGEDCO, 10th Floor, NPKRR Maaligai,
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- 3.The Inspector of Police (Vigilance),
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R.N.MANJULA, J.

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