



W.P.No.29235 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.04.2024

CORAM :

THE HONOURABLE **DR. JUSTICE D.NAGARJUN**

W.P.No.29235 of 2022

P.Sivaraji

... Petitioner

Vs.

1. The District Collector,
O/o District Collector,
Krishnakiri District.
2. The Superintending Engineer,
TWAD Board, Project Maintenance Division,
Hogenakkal Project Office Complex,
Collector Banglow Complex, A Jettihalli (PO),
Dharmapuri District – 636 807.
3. Administrative Engineer,
Project Maintenance Division, TWAD,
Hogenakkal Water Scheme Unit-5,
No.-25/5, Gopalakrishna Colony, Shanthi Nagar,
Krishnakiri District.
4. Project Manager,
(Construction Division),
L&T, Hogenakkal Water Scheme,
Poomhanahali X Road, karimanagalam,
Hosur, Krishnagiri District.

...Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents one to three to conduct the inquiry in pursuant to the petitioner complaint dated



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For petitioners : No representation
For R1 : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader
For R2 & R3 : Ms.Shaila Banu,
Standing Counsel for TWAD Board

ORDER

This writ directing the respondents one to three to conduct the inquiry in pursuant to the petitioner complaint dated 18.06.2022.

2. The facts in brief as per the affidavit enclosed in this writ petition are as follows:

2.1. The petitioner was working as a Motor operator maintained by the Department of Tamil Nadu Water Supply and Drainage Board (in short referred as Board). The Government has initiated a scheme called Hogenakkal Water scheme in which the L&T, NCC,SMC and Parthiba companies have taking part and the said companies have appointed employees on contract basis as Electrician, Fitter, Maintenance Assistant for maintenance, operate the water pipes and other tanks for the public usages. The contract of the said works were given to L & T management



and in turn the said company has given sub contracts to many other companies, viz., NCC,SMC and Parthiba.

2.2. The salary of the employees vary from one place to other and working atmosphere too differ from place to place. In the year 2017-18, Rs.347 per day, in the year 2018-2019 Rs.384 per day and in the year 2019 Rs.420 per day and finally Rs.584 per day was fixed as salary. The employees have questioned about the disparity of the salaries. Various complaints were sent to the authorities. It was due to the scam that occurred in Board, huge amount of money has been swindled by agents, contractors and salaries were not paid to the workers.

2.3. On 03.11.2020, one Chinasamy had lodged complaint to the respondents requesting to take action and the same was forwarded to the second respondent on 23.11.2020 for taking necessary action. However, the second respondent has taken no action. Another co employee by name Sivakumar had lodged complaint before the first respondent on 07.07.2021 and the said complaint was also forwarded to the second respondent for taking action on 12.07.2021. However, no action was taken. Subsequently, on 13.07.2021 the second respondent directed the third



respondent to take action and to submit the report by 28.07.2021.

However, no action was taken on 03.08.2021. Again on 03.08.2021, the second respondent forwarded the letter to the third respondent to initiate action and file the action report.

2.4. On 29.09.2021, the second respondent has forward another communication to the third respondent to take action on the complaint lodged by one Sivakumar. The said Sivakumar had lodged detailed complaint to the first respondent on 18.09.2021 in respect of misappropriation of funds in TWAD work. The same was also forwarded to the second respondent on 27.10.2021, but no action was taken. Aggrieved by the same, this writ petition has been filed for a direction for issuance of mandamus directing the respondents one to three to take action and initiate enquiry as per the complaint filed by the petitioner on 18.06.2022.

3. The third respondent has filed counter affidavit stating that the petitioner was engaged as a contract labourt in Hogenakkal Water Supply and Flurosis Mitigation Project by the Contractor and the same was completed successfully in package – I to Package V

4. It is further that the petitioner has never worked under any



Government organisations of TWAD Board and Government has not paid the salary to the petitioner and employees directly. Contractors used to pay the salary to the workers and that said appointment, wages and nature of work are exclusively under the control of the contractors and Government has nothing to do with the petitioner's complaint. All the representations received from the petitioner and others regarding salary and other requests were forwarded to the fourth petitioner. Since the contractor has completed the works as per the scheme, the lump sum amount was paid to them based on their bills and that they vacated the premises on 30.06.2021, thereby, a suitable reply was sent to petitioner on 16.12.2022.

5. It is further submitted by the third respondent in the counter affidavit that the contractors have handed over the maintenance of the project to the TWAD Board, a suitable reply was sent to the petitioner in letter dated 16.12.2022 by the Executive Engineer, Water Supply and Drainage Board, the third respondent and the same was acknowledged by the petitioner.

6. There is no representation in behalf of the petitioner and R4



and perused the materials on record.

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7. According to the respondent, the petitioner has never worked with the Government or its organisations and that the petitioner has exclusively worked with the contractor who have executed work for Hogenakkal project scheme. According to the respondents salary and other service conditions of the employees were exclusively governed by the contractors and not by the Government and hence, Government has nothing to do with the petitioner complaint and that there is no worker and employer relationship with the Government.

8. In respect of the disparity of salary and other demands of the petitioner, it is the stand of the Government that since the petitioner has not worked in the Government and also the petitioner has worked with the contractor, all the representations were forwarded to the fourth respondent. Once the petitioner has not worked with the Government and since the petitioner has worked only with the contractor, the relief sought for by the petitioner to initiate action against the respondents cannot be accepted. Further, the contractor has completed the works and has settled the dues payable to the petitioner. If at all, the petitioner and the contractor have



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any grievance, writ Court is not the forum to resolve their issue. Further, when the matter was posted for hearing, the petitioner has failed to appear and there was no representation and hence, this petition was being disposed of basing on the record.

9. Accordingly, this writ petition is dismissed. No costs.

26.04.2024

vca

Internet : Yes/No
Index : Yes/No
Citation : Yes/No

Dr.D.NAGARJUN,J.

vca



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To,

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