



WEB COPY

W.P.No.5516 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.12.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.5516 of 2014

S.Vairamani

... Petitioner

Vs.

1. The Tamil Nadu Generation and
Distribution Corp. Ltd., (TANGEDCO) Formerly TNEB,
Represented by its Chairman -cum- Managing Director,
No.144, Anna Salai, Chennai – 600 002.
2. The Secretary, TANGEDCO,
No.144, Anna Salai, Chennai – 600 002.
3. The Chief Engineer (Personnel),
TANGEDCO, No.144, Anna Salai,
Chennai – 600 002.
4. Chief Internal Audit Officer,
TANGEDCO, No.144, Anna Salai,
Chennai – 600 002.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to act on and implement the terms of agreement/ settlement entered on 26.10.2007 between the petitioner and the respondents, by cancelling all punishments, dropping all pending disciplinary proceedings and giving due promotion and all consequential monetary and service benefits.

For Petitioner

: Mr.S.Vairamani



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For Respondents : Mr.K.Rajkumar

ORDER

This writ petition has been filed with the following prayer:-

“Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to act on and implement the terms of agreement/ settlement entered on 26.10.2007 between the petitioner and the respondents, by cancelling all punishments, dropping all pending disciplinary proceedings and giving due promotion and all consequential monetary and service benefits”

2. From the above, it is evident that the relief sought is to implement the terms of the agreement/ settlement entered on 26.10.2007 between the petitioner and the respondents. Having noticed the relief sought in this writ petition, this court asked the petitioner to show the so-called settlements which is sought to enforced in the present writ petition.

3. Then, it is brought to the notice of this court that the settlement dated 26.10.2007, sought to be enforced by this court is an oral settlement and there is nothing on paper to place before this court. The relief sought is in the nature of specific performance of an oral agreement. Proving an oral agreement or a written agreement, unless it is admitted, is depending upon



the evidence that is produced before this court.

4. The oral agreement in question is not admitted by the respondents.

Hence, it is for the petitioner to establish the so-called oral agreement and then seek enforcement of the same. This court is afraid that any such exercise can be undertaken by this court under Article 206 of the Constitution of India.

5. In the circumstances, this court is of the considered view that no writ petition can be entertained under Article 226 of the Constitution of India for enforcement of a written or oral agreement and therefore, the writ petition is liable to be dismissed. However, it is left open to the petitioner, if he is so advised, to initiate appropriate proceedings before the competent court of law to establish the so-called oral agreement dated 26.01.2007 and seek consequential relief.

6. Subject to above observations, the writ petition is dismissed. No costs. Connected miscellaneous petitions, if any, shall stand closed.



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(2/2)

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

MUMMINENI SUDHEER KUMAR, J.

skr

To

1. The Tamil Nadu Generation and Distribution Corp. Ltd., (TANGEDCO) Formerly TNEB,
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(2/2)

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MUMMINENI SUDHEER KUMAR, J.

This writ petition is listed today under the caption 'for being mentioned'.

2. There is no necessity for modifying the order of this Court dated 05.12.2024 and the same stands as it is.

04.03.2025

abr