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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.03.2025

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

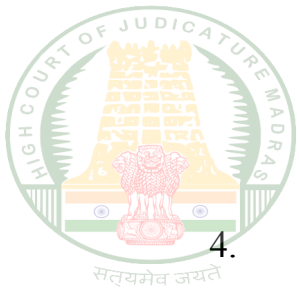
W.P.No. 1249 of 2024

A.Balachandran

... Petitioner-in-person

..Vs..

1. Union of India
Rep. By the Secretary
Ministry of Petroleum and Natural Gas
New Delhi – 110 001.
2. The Chairman
Oil and Natural Gas
Corporation Limited (ONGC)
Tel Bhavan
Dehradun
PIN – 648 003
3. Executive Director / Asset Manager
Oil and Natural Gas Corporation Ltd.,
Cauvery Asset,
Karaikal – 609 604
Pondicherry Union Territory



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4. The General Manager (HR)-incharge
Corporate Promotion
Oil and Natural Gas Corporation Ltd.,
Tel Bhavan
Dehradun
PIN – 648 003.

... Respondents

PRAYER: Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the second respondent to take appropriate action against the officials mentioned by the petitioner in his representations dated 11.12.2022 and 31.01.2023 or otherwise this Hon'ble Court may please to direct the second respondent to constitute a high level committee to look into the grievance of the petitioner by affording all reasonable opportunity to him to place all the supporting documents/evidence before the high level committee.

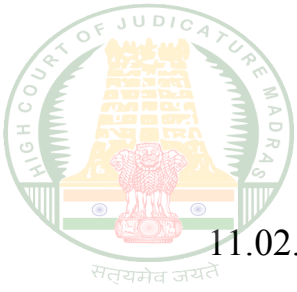
For Petitioner :: Mr. A.Balachandran
(party-in-person)

For 1st Respondent :: No appearance

For RR 2 to 4 :: Mr. Mohammed Fayaz Ali

ORDER

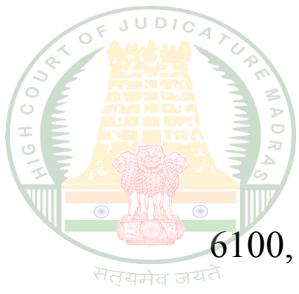
The Writ Petition has been filed in the nature of a Mandamus seeking a direction against the second respondent / the Chairman, Oil and Natural Gas Corporation Limited (ONGC), at Dehradun to take appropriate action against the officials mentioned by the petitioner in his representation dated



11.02.2022 and 31.03.2023 or to direct the second respondent to constitute a high level committee to examine the grievances of the petitioner by granting reasonable opportunity to the petitioner to place all documents/evidence before the high level committee.

2. The writ petitioner had appeared party-in-person. In his affidavit, he had stated that he was recruited as Assistant Executive Engineer in the year 1981 and joined the respondent office at Dehradun on 15.07.1981. He was promoted to various cadre and finally worked as Group General Manager (Electrical). He was permitted to retire on attaining the age of superannuation on 30.06.2017.

3. In the affidavit, he had further stated that in the midnight on 14.07.1993, the Executive Engineer (Electrical) misbehaved with him at the drill site and five other colleagues manhandled the petitioner. The petitioner was working as Deputy Superintendent Engineer at Assam at that time. The petitioner had given a police complaint in this regard. Thereafter, the petitioner was transferred from Assam to Ahmedabad. It had been further stated that the petitioner was retained for commissioning of F-4900 and F-



6100, Old Romanian rigs. It had already been stated that the officials of the ONGC were given protection by CISF but however, the petitioner was pressurised and threatened to withdraw the criminal case which he had lodged owing to such manhandling. Even in the departmental enquiry, he was not called nor given proper opportunity. It had been stated that he had been transferred in the middle of the year only to save the five persons, who had manhandled him in the midnight on 14.07.1993.

4. It had been further stated that the Asset Manager, who had taken charge, had violated the rules and directed the reviewing authority to reduce the rating of the petitioner from A+ to A. It was also stated that he was posted in Chennai/Karaikal after serving 3½ years at Assam and 9½ years at Ahmedabad. It was further stated that he had obtained marks under the normalisation method in his college, his colleagues started to make comments about him. They treated him disrespectfully. It is also stated that though he was the sectional head, he was not provided seating arrangements for more than one year and nine months at Rajahmundry. The General Manager (D) twice misbehaved with him in Rajahmundry. His PARS of three years were not filled by the controlling officer. It was further stated



that he was transferred to Chennai without rectification of the PARs and the transfer order was issued on 12.01.2007. The officers, who had misbehaved with him and had harassed him went scot-free and no action had been taken against them. The petitioner further stated that the reviewing officer for the year 2008-2009 PAR after listening to the then Deputy General Manager (E) had stated ill of the petitioner to the reviewing authority. Therefore, it was reduced to A from A+ without assigning any reasons.

5. The petitioner further claimed that he had been put to consistent harassment at the hands of the co-officers of the respondent. It had been further stated that he had met the ONGC Chairman on 29.06.2010, who admitted that though the name of the petitioner was recommended for promotion to the post of General Manager since the petitioner had become eligible, he was not however promoted. As a matter of fact, the petitioner claimed that he should have been promoted to the post of Deputy General Manager in the year 2003, to the post of General Manager in the year 2008 and to the post of Group General Manager (E) in the year 2012. However, he was promoted to the post of Deputy General Manager only in the year 2006 and to the post of General Manager only in the year 2012 and to the post of



Group General Manager only in the year 2017.

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6. The petitioner claims that had the promotions been given within the stipulated time, he would have attained the post of Executive Director in the year 2014 itself and would have retired on attaining the age of superannuation on 30.06.2017 as Executive Director. Since the promotions were not given at the correct time, he had to retire as Group General Manager (E) in the year 2017. Claiming that he had been subjected to severe harassment, the petitioner had given a representation earlier on 16.12.2015 and again on 08.07.2017. The petitioner then filed W.P.No. 26567 of 2016 in the nature of a Mandamus seeking a direction against the second respondent therein/the Chairman, ONGC Ltd., to take necessary action on the said representations.

7. A learned Single Judge of this Court had passed the following order by an order dated 11.10.2022:-

“The relief sought for in the present writ petition is to direct the 2nd respondent to take



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necessary action on the representations submitted by the writ petitioner on 16.12.2015 and 08.07.2016, which were sent through proper channel to redress his grievances.

2. The petitioner was holding the post of Group General Manager and retired from service on attaining the age of superannuation. The petitioner appearing in person articulated his case by stating that he was subjected to harassment for many years by the respondent/Corporation. Right from the year 1993, he was being harassed by the administration on many ways. He made representations then and there and initiated actions, but all went in vain. The present writ petition is filed to direct the 2nd respondent/Chairman to consider his representation and initiate all appropriate actions.

3. The learned counsel for the second respondent raised an objection by stating that some of the personal allegations cannot be enquired into by the Management. That apart, there is a long delay of more than 25 years in respect of certain allegations of harassment and the Management cannot conduct an enquiry in



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respect of those allegations.

4. The petitioner appearing in person replied by stating that he had given complaint during the relevant point of time, but he could not able to get any remedy from the hands of the 2nd respondent/Corporation and thus, he had no other way, but to continue his job.

5. Perusal of the representations reveals that the allegations of misbehaviour of other colleagues with the petitioner in the year 1993 was raised. Near about 21 allegations are set out in the representation and many allegations are related to personal harassment and misbehaviour etc., That apart, some of the allegations of the years 1993, 2000, 2001 etc., there is a long delay in resolving the issues or otherwise.

6. Under these circumstances, this Court cannot issue a blanket direction to the authorities to conduct an enquiry or to consider the representation. The representation submitted must be specific, enabling the authority to consider the grievances of the retired employee for the purpose



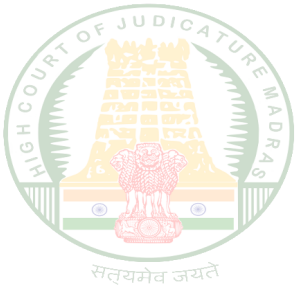
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of redressal.

7. One of the allegation raised by the petitioner in person is that his promotion to the post of Executive Director was denied in violation of the rules. The petitioner has further stated that some of his juniors were promoted to the higher post without considering his name in accordance with the rules in force.

8. With reference to the grievances regarding promotion, the petitioner is at liberty to submit a specific representation to the second respondent, citing the name of the juniors, who were promoted in violation of the rules or overlooking his seniority or otherwise within a period of four (4) weeks from the date of receipt of a copy of this order. In the event of submitting any such representation regarding promotion to the higher post, the said representation or the grievances shall be looked into by the competent authority of the ONGC/second respondent in accordance with the rules in force and take a decision and pass orders on merits and in accordance with law as expeditiously as possible.



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9. With these directions, the writ petition stands disposed of. No costs. ”

8. The petitioner, who appeared as party-in-person stated that promotion had not been granted to him and also that representations have been given to raise the issue of harassment.

9. However, the learned counsel for the respondent stated that the learned Single Judge had granted liberty only to give a representation regarding promotion and not regarding harassment.

10. An order of a Court cannot be interpreted by either party. The order is clear and the order is straight forward. In the order, the contentions of the petitioner in his representation had been examined and it had been stated that the Court cannot issue a direction to the authorities to conduct an enquiry or to consider the representation. It had been stated that the representation must be specific and it must be of such manner to enable the authority to consider the grievances of the retired employee. Thereafter, while examining the issue of promotion, the learned Single Judge had granted liberty to give a representation. The learned counsel for the



respondent therefore stated that the present representation raising issues of harassment cannot be re-examined by the respondents. But however, even the earlier representations had not been examined at all by the respondents. Even in the order by the learned Single Judge, he had very specifically stated that the representations submitted must be specific to enable the respondents to consider the grievances.

11. The order has been interpreted by the petitioner as giving him liberty to give a fresh representation giving specific details. He had therefore given the representations on 11.12.2022 and again on 31.01.2023, which according to the petitioner are specific in nature and in conformity of that particular observation by the learned Single Judge.

12. The learned counsel for the respondent however claims that no liberty had been granted to the petitioner to give a fresh representation.

13. The right to give a representation is vested with every individual who has grievances against either his employer or against any other individual. There cannot be curtailment of that particular right by any Court.



WEB COPY 14. The learned counsel for the respondents stated that the petitioner has no right to give a representation. I hold that no Court can state that the petitioner or any individual has no right at all to give any representation of any nature. If a representation is given, the respondents should inform the Court whether they are in a position to examine it or not to examine it.

15. Now, the petitioner has given two separate representations on 11.12.2022 and again on 31.01.2023. The obligation is on the respondents to answer those representations. They may reject it, they may accept it and pass any order as they like or even call the petitioner for personal hearing or they may adopt any other procedure as is permitted to them. But an argument can never be placed before the Court that the petitioner has no right even to give a representation. That right is vested so long as a person harbours grievances against any individual or against any organisation.

16. I would therefore direct the second respondent to examine the representations dated 11.12.2022 and 31.01.2023 and dispose them in manner known to law and in accordance with the established principles as enunciated by law.



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17. If the second respondent requires any clarification, a notice may be issued to the petitioner and an opportunity of personal hearing may be granted. No argument can also be advanced that a Court had specifically barred an individual from giving any representation.

18. The Writ Petition stands disposed of. A direction is given to the second respondent to examine the representations given by the petitioner and dispose them in manner known to law within a period of six weeks from the date of receipt of a copy of this order.

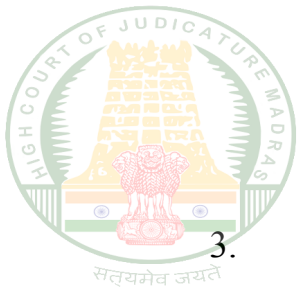
19.03.2025

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Index: Yes/No
Internet: Yes/No
Speaking / Non Speaking Order

(½)

To

1. The Secretary
Union of India
Ministry of Petroleum and Natural Gas
New Delhi – 110 001.
2. The Chairman
Oil and Natural Gas
Corporation Limited (ONGC)
Tel Bhavan
Dehradu
PIN – 648 003



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3. Executive Director / Asset Manager
Oil and Natural Gas Corporation Ltd.,
Cauvery Asset,
Karaikal – 609 604
Pondicherry Union Territory
4. The General Manager (HR)-incharge
Corporate Promotion
Oil and Natural Gas Corporation Ltd.,
Tel Bhavan
Dehradun
PIN – 648 003.

C.V.KARTHIKEYAN, J.,

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