



WP(MD). No.16097 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 04.12.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.16097 of 2023

S.Kandhasamy

... Petitioner

versus

1. The District Collector,
Sivagangai.
2. The Director of Planning,
Rural Development Agency,
Sivagangai.
3. The Block Development Officer
(Panchayat Union),
Kalaiyarkovil,
Sivagangai.
4. The Assistant Engineer,
Kalaiyarkovil Union,
Sivagangai.
5. Muthuraman,
Assistant Engineer,
Public Works Department,
Sivagangai.

... Respondents



WP(MD). No.16097 of 2023

Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 and 2 to initiate disciplinary proceedings against 5th respondent based on the petitioner's representation dated 30.12.2022.

For Petitioner : Mr.K.K.Udayakumar

For R1 to R4 : Mr.C.Venkatesh Kumar,
Special Government Pleader

ORDER

The petitioner is a Contractor and he is said to have executed a road work in the 3rd respondent Panchayat on 23.06.2022. While so, the 5th respondent, an Assistant Engineer working in the Public Works Department, was assigned with the work construction of sluice and during the said process, he damaged the road and caused loss. In this regard, he submitted a representation dated 30.12.2022 to the respondents 1 to 3. The 3rd respondent, vide his communication dated 20.01.2023, directed the 4th respondent to conduct spot inspection and submit a report. Till date, no inspection was conducted. Therefore, the petitioner has filed this writ petition seeking a direction to the respondents 1 and 2 to initiate the disciplinary proceedings against the 5th



WP(MD). No.16097 of 2023

respondent, by considering his representation, dated 30.12.2022.

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2. It is a settled position that a third party cannot stand in the way in between the employee and the employer in matters of service disputes, especially in the context of disciplinary proceedings. In ***Rajnit Prasad vs. Union of India and others [(2000) 9 SCC 313]***, the Hon'ble Supreme Court has held that disciplinary action is a matter between the employer and employee and allowing a third party to file a writ petition regarding the same would be an abuse of process of the court. The relevant portion is extracted as under:

“9. But a mere busy-body who has no interest cannot invoke the jurisdiction of the Court. In respect of departmental proceedings which are initiated or sought to be initiated by the Government against its employees, a person who is not even remotely connected with those proceedings cannot challenge any aspect of the departmental proceedings or action by filing a Writ Petition in the High Court or in this Court. Disciplinary action against an employee is taken by the Government for various reasons principally for "misconduct" on the part of the employee. This action is taken after a "domestic" enquiry in which the employee is provided an



WP(MD). No.16097 of 2023

opportunity of hearing as required by the constitutional mandate. It is essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. Public interest of general importance is not involved in disciplinary proceedings. In fact, if such petitions are entertained at the instance of persons who are not connected with those proceedings, it would amount to an abuse of the process of Court.”

3. Therefore, the petitioner, a third party, not connected with any service dispute, cannot maintain this writ petition, invoking Article 226 of the Constitution of India, on the service side, seeking a Writ of Mandamus to take action against any employee or officials.

4. Accordingly, this writ petition is dismissed with liberty to the petitioner to approach the appropriate forum. No costs.

04.12.2025

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Index : Yes / No.

Internet: Yes / No.

NCC : Yes / No.

4/6



WP(MD). No.16097 of 2023

WEB COPY

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WP(MD). No.16097 of 2023

B.PUGALENDHI, J.

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WP(MD) No.16097 of 2023

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