

WP(MD)No.16810 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 25.02.2026

DELIVERED ON : 03.06.2026

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

WP(MD)No.16810 of 2023

S.Murugesan

: Petitioner

Vs.

- 1.The Additional Chief Secretary to Government,
St. Fort George,
Chennai – 600 009.
- 2.The Secretary to Government of Tamil Nadu,
Transport Department,
St. Fort George,
Chennai – 600 009.
- 3.The Vigilance Commissioner,
Personnel and Administrative Reforms Department,
Secretariat,
Chennai – 600 009.
- 4.The Director,
Vigilance and Anti Corruption,
293, MKN Road, Alandur,
Chennai – 600 016.



5. The Managing Director,
Tamil Nadu State Transport Corporation Ltd.,
Bye Pass Road,
Madurai – 625 010.

6. The Branch Manager,
Tamil Nadu State Transport Corporation Ltd.,
Dindigul Road,
Vedasanthur,
Dindigul District.

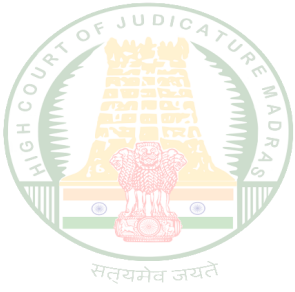
: Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a Writ of Mandamus directing the respondents 1 to 4 to take appropriate action as against the respondents 5 & 6 in accordance with law by considering the petitioner's representation dated 29.08.2022 within a stipulated time limit.

For Petitioner : Mr.P.Balamurugan

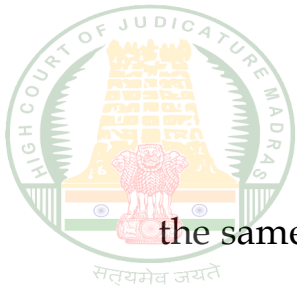
For Respondents: Mr.C.Venkatesh Kumar,
Special Government Pleader
for R.1 to R.4

Mr.S.C.Herold Singh,
Standing Counsel for R.5, R.6

**ORDER**

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The petitioner, a dismissed employee of the respondent Transport Corporation, has lodged a complaint as against the Managing Director of the Transport Corporation and the Branch Manager to the Vigilance Department and to the Government that some buses are not operated on the approved routes by the respondent Corporation, however, records have been created as if the buses were operated and thereby, huge losses were caused to the respondent Corporation. The petitioner has provided an example of Bus No.TN-57-N-2084 plying on the Dindigul - Trichy route wherein three different sets of tickets were issued to the passengers on 16.07.2022. By issuing the tickets, the management has created fake entries as if other buses were operated on the same route and the diesel expenses, salary of employees and maintenance charges were misappropriated. The petitioner claims that due to compulsion from the higher officials, the conductors were made to issue three different sets of tickets on a single route to create records as if three buses were operated on the route. With this grievance, the petitioner lodged a representation on 29.08.2022 and since no action was taken on



the same, he has approached this Court seeking directions to take action on his complaint.

2.In response to this writ petition, a counter affidavit has been filed by the fifth respondent admitting a portion of the allegations that pursuant to a report of the Audit Department dated 20.07.2022, it was found that three different ticket slips were issued on Bus No.TN-57-N-2084 plying from Vendasandur to Trichy on 16.07.2022 and fake records were created as if three buses were operated on the same route. It is also stated in the counter affidavit that disciplinary proceedings were initiated against the Branch Manager, one B.Karthick Raja and Junior Assistant, one P.Sivaraj for the same. The relevant portions of the counter affidavit are extracted as under:

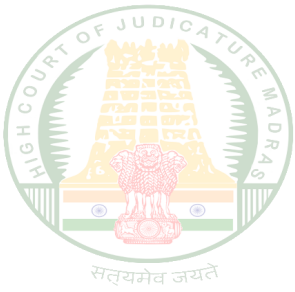
"7.I deny the averments contained in para 6 of the affidavit, it is submitted that the amount collected on 16-07-2022 in respect of Vendasandur Branch was deposited in the corporation account on 16-07-2022. However, the same was deposited on 17-07-2022. Therefore, on 18-07-2022, audit inspection was made and in the inspection it is found that on 16-07-2022 a bus bearing registration No.TN57 N2084 plyed from Vedachandur to Trichy in which the



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computer slip tickets were issued for the route No.515A, 601B and 680A the ticket computer slip No. 0231132 series for route No.601 which is being used in the city buses. As such, fake documents were created as if 3 buses were operated by operating one bus that is the bus bearing Reg. No.TN57 N2084. I state on 20.07.2022 a report was submitted by the Audit Department. In pursuant to the same, the General Manager, Dindigul, on 22-08-2022 issued charge memo to the Branch Manager, B.Karthick Raja and also another charge memo dated 22-08-2022 was issued to P.Sivaraj, Junior Assistant imputing 5 charges. Based on the audit report, the General Manager issued enquiry notice to the Branch Manager and Junior Assistant who was doing traffic duty allotting buses to appear on 20-07-2023 for enquiry."

3.However, the respondent Corporation has denied that the fifth respondent Managing Director had any role to play in the alleged scam. It is submitted by the learned Counsel appearing for the respondent Corporation that the petitioner, a dismissed employee / a third party is not having any locus to maintain this writ petition and he has filed this complaint out of personal vengeance, as he was dismissed from service. Hence, he prays for dismissal of this writ petition.



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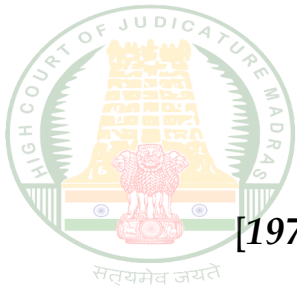
4. Considering the rival submissions and the judgments already rendered regarding the issue of maintainability of writ petitions filed by third parties and also considering the facts and circumstances of this case, this Court requested Mr.D.Sivaraman, learned Counsel to assist the Court as Amicus.

5. It is submitted by the learned Amicus that a writ petition to initiate disciplinary proceedings against an employee cannot be maintained by a third party, as it is a matter between the employer and employee. He further submitted that the petitioner cannot claim to be an aggrieved person and that he has not placed any materials substantiating his allegations and hence, this writ petition is not maintainable. The learned Amicus has relied on the following judgments of the Hon'ble Supreme Court in support of the same:-

(i) *Joshbhai Motibhai Desai v. Roshan Kumar Haji*

Bashir Ahamed and Others [1975 (1) SCC 671];

(ii) *Bhagwan Das v. State of Uttar Pradesh and Others*



[1976 (3) SCC 784];

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(iii) *Oriental Bank of Commerce v. Sunderlal Jain and*

Another [2008 (2) SCC 280]; and

(iv) *Ranjit Prasad v. Union of India* [2000 (9) SCC 313].

6.This Court considered the submissions made by the respective parties and also perused the materials.

7.The petitioner claims to be a member of a trade union and erstwhile employee of the respondent Corporation. He has lodged a complaint in August 2022 alleging that buses are not being operated on the approved routes and grave irregularity is being committed resulting in financial loss to the respondent Corporation. He has also provided an example of Bus No.TN-57-N-2084 plying on the Veda sandur - Trichy route which issued three different sets of tickets on 16.07.2022. This allegation has been admitted by the respondent Corporation in their counter affidavit that three different sets of tickets were issued on Bus No.TN-57-N-2084 on 16.07.2022. It also appears that the Branch Manager

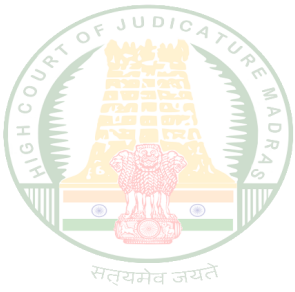


and a Junior Assistant were issued with a charge memo on 22.08.2022

and pursuant to an enquiry, punishment of stoppage of increment for a period of one year was imposed on them by order dated 18.08.2023.

8.The allegations raised by the petitioner are serious in nature. Admittedly, three different sets of tickets were issued for Route Nos. 515A, 601B and 680A to the passengers travelling in Route No.601 and fake records were created as if three buses were plied on the same route and the diesel expenses and salary amount has been misappropriated. However, the respondent Corporation has closed the issue by imposing a minor punishment on the Branch Manager and a Junior Assistant, which is not proper.

9.The position of law with regard to writ petitions filed by third parties seeking directions to take action on complaints relating to service issue has been decided in various cases commencing from *Joshbhai's* case (supra), wherein the Hon'ble Supreme Court held that strangers had no *locus standi* to file writ petitions.



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State of Tamil Nadu [WP(MD) No.6061 of 2022 dated 02.12.2024],

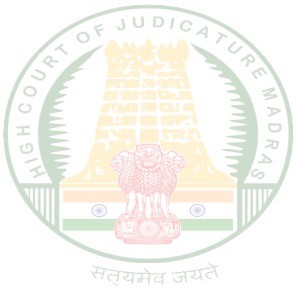
wherein it was held that third parties cannot invoke the jurisdiction of this Court under Article 226 of the Constitution of India to issue a writ of mandamus to direct disciplinary proceedings.

11. In this case, a serious allegation has been made that buses are not being operated on the approved routes and fake records were created as if three different sets of tickets were issued on a bus plying on a single route. This allegation has also been admitted by the respondent Corporation and the Branch Manager and a Junior Assistant were held responsible for the above charges. The allegation is serious in nature and the Vigilance Department has not conducted any enquiry on this complaint of the petitioner. Instead, the Vigilance Department forwarded the complaint to the Additional Chief Secretary to Government, Transport Department and no action has been taken on the same thereafter. The counter affidavit filed by the respondent



Corporation does not reveal whether this fraud has been played in that particular route alone or even on the other routes and whether the role of the Managing Director was examined by the respondent Corporation. This Court is also having a doubt as to whether such a fraud could have been played without the involvement of the higher officials. However, the fourth respondent Vigilance Department, which ought to have examined the same, has simply forwarded the complaint to the respondent Corporation. It also appears that the disciplinary proceedings were initiated to give a closure to this issue by imposing a minor punishment on two employees rather than finding out the truth.

12.It is regrettable to note that the Vigilance Department, which is expected to monitor 14 lakh government employees, is functioning only for namesake with 100 employees. They are filing 100 cases per year to show that they are functioning. Almost all the complaints received by the Vigilance Department are forwarded to the respective Heads of Departments and they are taking no action on such complaints or taking some action for namesake and closing the issue.



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13. In the event any public official fails to perform their constitutional / statutory / public duty, this Court has the discretion to issue a writ of mandamus, which is a prerogative writ issued to compel the performance of such duties. This discretion is governed by consideration of public policy, public interest and public good. Certainly, both the Vigilance Department and the respondent Corporation have a legal duty to conduct an enquiry when serious allegations are brought to their notice, which they have not satisfactorily done so.

14. Before that, the issue of whether the petitioner can be considered to be an aggrieved person has to be considered in the present case. In *Joshbhai Motibhai Desai's* case (supra), a three Judge Bench of the Hon'ble Supreme Court considered the question as to who can be considered as a "person aggrieved" in order to have the locus to invoke the jurisdiction of a writ court and held as under:

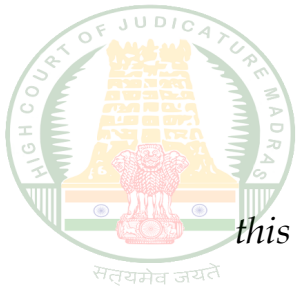
"37. It will be seen that in the context of locus standi to apply



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for a writ of certiorari, an applicant may ordinarily fall in any of these categories: (i) "person aggrieved"; (ii) "stranger"; (iii) busybody or meddlesome interloper. Persons in the last category are easily distinguishable from those coming under the first two categories. Such persons interfere in things which do not concern them. They masquerade as crusaders for justice. They pretend to act in the name of pro bono publico, though they have no interest of the public or even of their own to protect. They indulge in the pastime of meddling with the judicial process either by force of habit or from improper motives. Often, they are actuated by a desire to win notoriety or cheap popularity; while the ulterior intent of some applicants in this category, may be no more than spoking the wheels of administration. The High Court should do well to reject the applications of such busybodies at the threshold.

38. The distinction between the first and second categories of applicants, though real, is not always well-demarcated. The first category has, as it were, two concentric zones; a solid central zone of certainty, and a grey outer circle of lessening certainty in a sliding centrifugal scale, with an outermost nebulous fringe of uncertainty. Applicants falling within the central zone are those whose legal rights have been infringed. Such applicants undoubtedly stand in the category of "persons aggrieved". In the grey outer circle the bounds which separate the first category from the second, intermix, interfuse and overlap increasingly in a centrifugal direction. All persons in

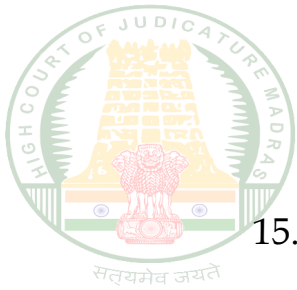


this outer zone may not be "persons aggrieved".

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39. To distinguish such applicants from "strangers", among them, some broad tests may be deduced from the conspectus made above. These tests are not absolute and ultimate. Their efficacy varies according to the circumstances of the case, including the statutory context in which the matter falls to be considered. These are: Whether the applicant is a person whose legal right has been infringed? Has he suffered a legal wrong or injury, in the sense, that his interest, recognised by law, has been prejudicially and directly affected by the act or omission of the authority, complained of? Is he a person who has suffered a legal grievance, a person against whom a decision has been pronounced which has wrongfully deprived him of something or wrongfully refused him something, or wrongfully affected his title to something?

Has he a special and substantial grievance of his own beyond some grievance or inconvenience suffered by him in common with the rest of the public? Was he entitled to object and be heard by the authority before it took the impugned action? If so, was he prejudicially affected in the exercise of that right by the act of usurpation of jurisdiction on the part of the authority? Is the statute, in the context of which the scope of the words "person aggrieved" is being considered, a social welfare measure designed to lay down ethical or professional standards of conduct for the community? Or is it a statute dealing with private rights of particular individuals?"

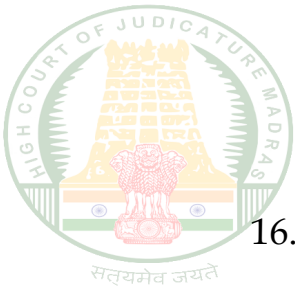


15. Further, in *Ranjit Prasad v. Union of India* [2000 (9) SCC 313],

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the Hon'ble Supreme Court has held that a stranger cannot challenge any aspect of departmental proceedings and the relevant portions are 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 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."



16. As per the above decisions, a mere busybody or stranger with no interest in the matter cannot be allowed to invoke the writ jurisdiction. This ensures that persons with improper motives or those seeking cheap publicity do not misuse the judicial process. However, it has also been clarified that the *locus standi* of a person to file a writ petition depends on the circumstances of the case and whether they can be considered to be an aggrieved person. Therefore, it is relevant to consider the meaning of the term “Aggrieved”.

17. (i) As per *Sumeet Malik's Law Lexicon*, the plain and dictionary meaning of the term “aggrieved” means hurt, angry, upset, wronged, maltreated, persecuted, victimised, etc.

(ii) As per *Webster Comprehensive Dictionary*, “aggrieved person” is defined to mean “subjected to ill-treatment, feeling an injury or injustice. Injured, as by legal decision adversely infringing upon one's rights”.

(iii) As per *Black's Law Dictionary*, an aggrieved person is defined as: “One whose legal right is invaded by an act complained of,

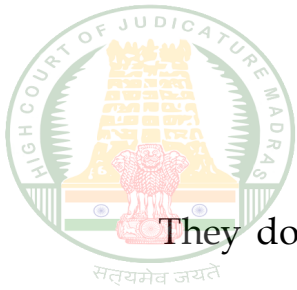


or whose pecuniary interest is directly and adversely affected by a decree or judgment. One whose right of property may be established or divested. The word aggrieved refers to a substantial grievance, a denial of some personal, pecuniary or property right, or the imposition upon a party of a burden or obligation.”

18. Further, the term “aggrieved person” is also used in many statutes and its meaning has to be determined based on the context, but it can generally be defined as under:

(i) As per *Summet Malik's Law Lexicon*, the term “person aggrieved” would mean a person who had suffered legal injury or one who has been unjustly deprived or denied of something, which he would be interested to obtain in the usual course or similar benefits or advantage or results in the wrongful affectation of his title to compensation.

(ii) The Privy Council in *Attorney General of the Gambia v. Peirra Sarr N'Jie [(1961) 2 All ER 504]* held that “the word 'person aggrieved' is of wide import and should not be subjected to restrictive interpretation.



They do not include, of course, a mere busybody who is interfering in things which do not concern him; but they do include a person who has a genuine grievance because an order has been made which prejudicially affect his interests." This definition was also subsequently followed by the Hon'ble Supreme Court in *Maharaj Singh v. State of Uttar Pradesh* [1977 (1) SCC 155].

(iii) In *Re Sidebotham, ex parte Sidebotham* [(1880) 14 ChD 458], the term "aggrieved person" was defined as "A person who is materially and adversely affected by the decision by which he has been denied or deprived of something to which he is legally entitled or the decision has imposed a legal burden on him or that the adverse impact of the decision on his interests is so direct that he must be regarded as falling within the statutory category of persons aggrieved by it."

19. The petitioner is the secretary of a trade union and was dismissed from service of the respondent Corporation on 22.05.2023. Admittedly, he was an employee of the respondent Corporation. Every



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employee is a part of the institution in which they are employed. It is not just the amount of money misappropriated, but the reputation of the institution is also involved in this issue. Every employee is having a right to protect the reputation of the institution in which they are employed and when the reputation of their institution is damaged by such allegations, then the employee is affected and can be considered to be an aggrieved person.

20.No doubt, the public officials have to be protected from frivolous allegations and third parties cannot be allowed to misuse the judicial process. However, the department has a legal duty to conduct an enquiry when serious allegations are raised against its officials and it cannot be allowed to protect erring officials by sitting on such complaints and taking no action on them.

21.In this case, the petitioner has lodged a complaint raising serious allegations of fraud and misappropriation in the respondent Corporation and that the Managing Director of the respondent



Corporation was involved in the same. It is not the case that the petitioner has raised a personal dispute. Further, the allegation is also admitted by the respondent Corporation, however, the issue was closed by conducting disciplinary proceedings against some low level employees.

22.Considering the serious nature of allegations, this Court is of the view that the Vigilance Department ought to have conducted an enquiry as to whether such fraud was prevalent on other bus routes and whether the fifth respondent Managing Director was involved in the same. However, there is a failure on the part of the respondent corporation and the Vigilance Department in not looking into the allegations raised by the petitioner. In such a situation, the petitioner cannot be considered to be a third party and left remediless.

23.In view of the foregoing observations and discussions, this writ petition is disposed with a direction to the fourth respondent / Vigilance Department to look into the complaint of the petitioner and take



appropriate action, if any irregularities are discovered. The Vigilance

Department shall file a status report regarding the action taken by them

before this Court by **03.09.2026**. There shall be no order as to costs.

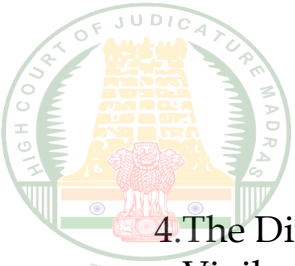
This Court places on record its appreciation to Mr.D.Sivaraman, learned Counsel, who has ably assisted the Court in this case as an Amicus.

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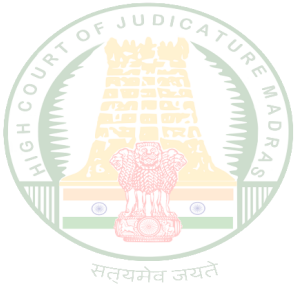
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VERDICTUM.IN



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