

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Reserved on : 13.04.2015

Delivered on : 17 .04.2015

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Crl.OP Nos.1195 & 6854 of 2015

P. Chandira,
The Assistant Engineer (H),
Nabard and Rural Roads,
Panruti, Cuddalore District.

Petitioner
in both Crl.OPs

Vs

1. The Inspector of Police,
Kadampuliyur, Cuddalore District.

2. The Superintendent of Police,
Cuddalore District.

.. Respondents
in Crl.O.P.No.1195 of 2015

1. The Inspector of Police,
Pudhupet, Cuddalore District.

2. The District Collector,
Cuddalore District.

3. The State Represented by the Secretary,
Highways and Minor Ports Department,
Secretariat, Chennai - 9.

4. Thiru.Hariraj,
The Director (General),
Highways, Chepauk,
Chennai - 5.

5. Thiru. K. Ameerdeen,
The Chief Engineer (H),
Nabard and Rural Roads,
Chennai.

6. Thiru.Baskaran,
The Superintending Engineer (H),
Nabard and Rural Roads,
Chengalpattu.

7. Thirumathi. Rani,
The Divisional Engineer (H),
Nabard and Rural Roads, Cuddalore.
8. Thiru. Chakkravarthy,
The Assistant Divisional Engineer (H),
Nabard and Rural Roads,
Cuddalore.
9. Thiru.Jothi, S.J.M.Constructions and Contractor,
Cuddalore.
- 10.Thiru. PonnSelvan,
The Divisional Engineer (H),
Construction and Maintenance,
Cuddalore.
- 11.Thiru. Jayachandran,
S/o. Pakirisamy, the Registered Highways Contractor,
Pudhupalayam, Cuddalore.
- 12.Thirumathi.Rukkumani, the Divisional Accountant,
Office of the Divisional Engineer (H)
Nabard and Rural Roads, Cuddalore.
- 13.Thiru.N.S.Saravanan, Divisional Engineer (H),
Quality Control, Villupuram.
14. Mrs.Ponni, the former Superintendent of Police,
Erode and Nagapattinam.
- 15.The Chief Engineer (H),
Constructions and Maintenance,
Chepauk, Chennai.
- 16.The Deputy Secretary, Finance,
Secretariat, Chennai-9.
- 17.Thiru.TamilSelvan,
The former Divisional Engineer (H) (Regular)
Cuddalore.
- 18.Thiru.Haribabu,
The former Junior Engineer (H),
Kattumannarkovil.
- 19.Thiru.Mohammad John,
The former Divisional Accountant,
The office of Divisional Engineer (H) (Regular)
Cuddalore.

20.Thiru.Krishnamoorthy,
The Registered Contractor,
Sridevi Enterprises, Cuddalore.

21.Thiru.Duraiaraj,
The Registered Contractor,
Sridevi Enterprises,
Cuddalore.

22.Thiru.Palanimurugan,
The Registered Contractor,
Pondicherry.

23.Mrs.Mangaikarasi,
Public Information Officer, Highways,
Secretariat, Chennai-9.

24.The Director, Prosecution,
Pudhupalayam Main Road,
Cuddalore,

25.Thiru.Murugesan,
The Inspector of Police,
Kadampuliyur.

.. Respondents
in

Crl.O.P.No.6854 of 2015 Prayer in Crl.O.P.No.1195 of 2015:-

Criminal Original Petition filed under Section 482 Cr.P.C., to change the investigation from the police department in CSR No.261/2014 dated 19.07.2014 based upon my complaint dated 06.07.2014 to the Vigilance Department, Chennai or CBI to investigate the case and submit report before this court within stipulated period of time.

Prayer in Crl.O.P.No.6854 of 2015:-

Criminal Original Petition filed under Section 482 Cr.P.C., to direct the District Crime Branch, Cuddalore to submit report within stipulated period of time before the Chief Judicial Magistrate Court, Cuddalore based upon my complaint dated 11.10.2014 submitted before the Judicial Magistrate Court-II, Panruti in CMP.No.6942 of 2014 dated 15.10.2014 which is forwarded by the 25th respondent.

For Petitioner : Mrs.P.Chandira, Party in Person
For Respondents : Mr.C.Emalias,
Additional Public Prosecutor

COMMON ORDER

These petitions have been filed under Section 482 Cr.P.C., to change the investigation from the police department in CSR

No.261/2014 dated 19.07.2014 based upon my complaint dated 06.07.2014 to the Vigilance Department, Chennai or CBI to investigate the case and submit report before this court within stipulated period of time and to direct the District Crime Branch, Cuddalore to submit report within stipulated period of time before the Chief Judicial Magistrate Court, Cuddalore based upon my complaint dated 11.10.2014 submitted before the Judicial Magistrate Court-II, Panruti in CMP.No.6942 of 2014 dated 15.10.2014 which is forwarded by the 25th respondent.

2. Heard the party in person for the petitioner and the learned Additional Public Prosecutor appearing for the respondent police.

3. On notice to the respondent police, a counter has been filed by the Inspector of Police, Kadampuliyur Police Station wherein it is stated as follows:-

"2. It is submitted that the petitioner filed a petition vide CrI.M.P.No.6942/2014, before the Judicial Magistrate Court No.II, Panruti praying to register a case based on his petition and investigate. When the above matter came up for hearing on 31.10.2014, the above court directed the First Respondent Police to conduct enquiry and register a case as per law.

3. It is submitted that based on the above direction of the Hon'ble Judicial Magistrate Court No.II, Panruti. I sent a summon on 13.10.2014, 27.11.2014 & 23.12.2014 respectively by Registered Post to the petitioner - Tmt.P.Chandira to appear before me for enquiry and also to furnish relevant records pertaining to the above petition.

But, the petitioner - Tmt. P.Chandhira however received the police summons sent by me, but not appear before the first respondent police station not even for a single time and also not furnished any documents to prove his allegations. It is understand that the petitioner also did not submit any documents before the above court.

4. It is submitted that in the meantime, I sent summons by way of Registered Post and also over mobile phone to the following persons, in which allegations were made by the petitioner, viz.,

- 1) Tr.Baskaran, Chief Engineer (H) of NABARD and Rural Roads, Chennai.
- 2) Tr.Chakravarthi, Asst.Divisional Engineer of NABARD and Rural Roads, Cuddalore.
- 3) Tmt.G.Rani, Divisional Engineer, N&R.R., Cuddalore &
- 4) Tr.Jothi, Contractor, SJM Constructions, Cuddalore.

The above enquiry reveals that a notification was published in the newspapers inviting tenders from the approved Contractors for construction of roads in Kadampuliyur limits in the Cuddalore District under the NABARD Scheme. Based on that tender applications were received by the department concerned and finalized the tender.

5. It is submitted that my enquiry further reveals that one Tr.Jothi, Contractor, S.J.M.Constructions, Cuddalore taken up the tender for the construction of roads for Special Repairs to Keeliruppu to Kattupalayam Road KM.0/0-1/6 for the estimated tender value to the tune of Rs.30 lakhs and also contemplated the above work and also collected the above said amount for the work done.

6. It is submitted that the averment of the petitioner - Tmt.P.Chandira that she only done the work and hence the amount has to be remitted only to her. It is totally false, since the job description of the petitioner in the capacity of the Assistant Engineer (H) NABARD and Rural Roads is only to supervise the work conducted by the Contractors. It is also pertinent to mention here that if there is any discrepancies in the work done by the Contractors, it is her bounden duty to communicate the same to her higher authorities to initiate appropriate action against the persons concerned. Apart from the above, the above work are to be conducted only by the private individuals/contractors based on the tender by the Govt.of Tamil Nadu, but, she is the Government officer, it is not possible to conduct the above type of construction or repair works which was permissible as per law.

7. It is also submitted that the petitioner is incharge of supervision of works in Panrutti section. Further, she is empowered only to supervise the works entrusted to a contractor on a contract basis and she has no power to execute the work partially or fully on behalf of the contractor. Further, it is pertinent to mention here that as per the Government Servants Conduct Rules, no Government Servant should be engaged with any other business, doing works, directly or indirectly without proper permission of the Government. Further, as per Article No.3 of the Madras Financial Code, Volume-I, stated that "No Government Servant should exercise his powers of sanctioning expenditure so as to pass an order directly to his advantage".

Thus, the petitioner violated all the rules and regulations of the Government which in force and praying to give money stated that she has done the repair work. Hence, the above plea of the petitioner is not all maintainable.

8. It is submitted that apart from the above, the petitioner has filed a petition before the Judicial Magistrate Court No.II, Panrutti, without obtaining prior permission from the superior officers as per Section 197 Cr.P.C.

9. It is submitted that the detailed enquiry further reveals that in order to escape from the Charge Memo issued by the Superior Officers of her department concerned due to her irregularities committed, she is making false allegations as against her superiors only for the reasons to escape from the departmental enquiry."

4. The petitioner submitted that the respondent police have conducted a perfunctory investigation on her complaint and she sought for transfer of investigation to the some other agency. The petitioner has made wild allegations against the investigating agency and also against all the officials of the Department concerned. The petitioner filed Criminal Miscellaneous Petition No.6942 of 2014 before the Judicial Magistrate, Panruti, as a private complaint for a direction to the police to conduct investigation under 156(3) Cr.C.P.C.

5. Even before the Learned Judicial Magistrate, the respondent police filed a detailed report. The petitioner was informed on 13.03.2015 by the Learned Judicial Magistrate II, Panrutti about the action which was taken by the Inspector of Police on her complaint. Notwithstanding that she has approached this Court with these two petitions which are truly frivolous in nature. It appears that this petitioner, as a party in person has been harassing the filing section and causing lot of trouble to the officials in this Court registry.

6. The learned Judicial Magistrate has passed a final order in CrI.M.P.No.6942 of 2014 on 17.03.2014 closing the complaint of the petitioner, by accepting the report of the investigating officer. Therefore, it is clear that this petitioner wants to safeguard herself from disciplinary action and that is why she has been resorting to this sort of intimidating tactics by filing such petitions by arraying 25 persons as respondents including the Director of Prosecution, Cuddalore and the Deputy Secretary, Finance Department, Government of Tamil Nadu. Hence, these petitions deserves to be dismissed with exemplary costs.

7. These petitions are dismissed accordingly and the petitioner is directed to pay cost of Rs.10,000/- to the Tamil Nadu State Legal Services Authority within two weeks from the date of receipt of a copy of this order.

-s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

To

1. The Inspector of Police,
Kadampuliyur, Cuddalore District.
2. The Superintendent of Police,
Cuddalore District.
3. The Inspector of Police,
Pudhupet, Cuddalore District.
4. The District Collector,
Cuddalore District.
5. The Secretary,
Highways and Minor Ports Department, Secretariat, Chennai - 9.
6. The Chief Engineer (H),
Constructions and Maintenance, Chepauk, Chennai.
7. The Deputy Secretary, Finance,
Secretariat, Chennai-9.
8. The Director, Prosecution,
Pudhupalayam Main Road,
Cuddalore,
9. The Judicial magistrate No.II,
Panrui.
10. -do- thro' The Chief Judicial Magistrate No.II,
Panruti.
11. The Secretary,
State Legal Services Authority,
High Court, Chennai.

ksj(co)
prk28/4

CrI.OP No.1195 and 6854 of 2015