

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated :08.01.2015

CORAM:

The Honourable Mr.Justice K.K.SASIDHARAN

W.P.No.312 of 2015

A.Rajasekaran

.. Petitioner

-Vs.-

1. The Principal Secretary to Government
Government of Tamilnadu
Home Department
Fort St. George
Secretariat
Madras-600 009.
 - 2 The Director General of Police
State of Tamil Nadu
Kamarajar Salai
Madras- 600 004.
 - 3 Mr.Asra Garg I.P.S.
Assistant Inspector General of Police (Admin)
Office of the Director General of Police
Kamarajar Salai
Madras-600 004.
- ..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the 1st respondent to consider the petitioner's representation dated 11.10.2014 within a time frame.

For Petitioner : Mr.R. Jayaprakash

For Respondents : Mr.A. Kumar
Spl. G.P. for RR 1 and 2

ORDER

The petitioner was suspended from service on account of his involvement in criminal proceedings. The petitioner alleging that the third respondent was responsible for foisting cases against him and his family, submitted series of complaints against him calling

upon the Government of Tamil Nadu and the Police Department to take appropriate action. By way of a recent representation dated 11 October 2014 the petitioner wanted the respondents 1 and 2 to abstain from giving promotion to the third respondent. Since the Government has not considered the said representation, the petitioner has come up with this writ petition.

2. The learned counsel for the petitioner contended that the son of the petitioner has already preferred a complaint against the third respondent and the Directorate of Vigilance and Anti Corruption by proceedings dated 5 March 2014 forwarded the complaint to the Chief Secretary to Government, Chennai. According to the learned counsel, proceedings are pending against the third respondent and as such the Government is bound to consider the representation submitted by the petitioner. The learned counsel further contended that the third respondent would be promoted to a higher post in due course and as such a decision should be taken at the earliest pursuant to the complaint preferred by the petitioner.

3. Even according to the petitioner his son has already preferred a complaint against the third respondent. The proceedings dated 5 March 2014 on the file of Directorate of Vigilance and Anti corruption shows that the complaint preferred by Thiru Saravana Kumar, Son of the petitioner dated 20 February 2014 is now pending before the Government. During the pendency of the complaint, the petitioner wanted to restrain the Government from giving promotion to the third respondent.

4. The petitioner wanted the Government not to give promotion to the third respondent. The complaint in question was made with the sole purpose of preventing the authorities from giving promotion to the third respondent. In case the third respondent is entitled for promotion, pendency of the complaint alone would not stand in the way of Government from considering his case on merits and as per law. Since the complaint preferred by the son of the petitioner is pending, there is no question of directing the Government to consider another complaint of the very same nature at the instance of petitioner. The writ petition is clearly an abuse of process of law. Therefore I do not find any ground to entertain this writ petition.

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5. In the upshot, I dismiss the writ petition. No costs.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

Tr/

To

1. The Principal Secretary to Government
Government of Tamilnadu
Home Department
Fort St. George
Secretariat
Madras-600 009.

2 The Director General of Police
State of Tamil Nadu
Kamarajar Salai
Madras- 600 004.

1 CC to the Government Pleader SR NO 1234

gj[co]
gp/30.1.15

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सत्यमेव जयते
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