

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.10.2015

CORAM :

The Hon'ble MR.SANJAY KISHAN KAUL, CHIEF JUSTICE

AND

The Hon'ble MR.JUSTICE T.S.SIVAGNANAM

W.P. No. 32662 of 2015

and M.P.No.1 of 2015

K.K.Ramesh

.. Petitioner

-vs-

- 1.The Government of India,
Rep. By its Home Secretary,
Ministry of Home Affairs,
North Block, New Delhi.
- 2.The Government of India,
Rep. By its Secretary,
Ministry of Law and Justice,
Union Secretariat, New Delhi.
- 3.The Government of India,
Rep. By its Secretary,
Ministry of Personnel,
Public Grievances and Pensions,
Dept. of Personnel and Training,
New Delhi.
- 4.The State of Tamilnadu,
Rep. By its Chief Secretary,
Secretariat, Chennai.9
- 5.The State of Tamilnadu,
Rep. By its Home Secretary,
Secretariat, Chennai.9
- 6.The State of Tamilnadu,
Rep. By its Principal Secretary,
Dept. of Law and Justice,
Secretariat, Chennai.9
- 7.The State of Tamilnadu,
Rep. By its Principal Secretary,
Dept. of P & AR, Secretariat,
Chennai.9

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus to direct respondents 4 to 7 to implement the Right to Services Act as early as possible to provide time bound delivery of services for various public services in Tamilnadu in order to eliminate corruption among the Government officers and thus the administration will be functioned smoothly and the welfare scheme announced by the Government will reach the downtrodden people, Hence, corruption will get down to zero level, so the public will have faith on Government administration, Employment opportunities will be generated, State wealth G.D.P. and income will be increased leading to enhance the prosperity and economic development by considering the petitioner's representation dated 27.05.2015.

For Petitioner : Mr.S.M.Mohamed Salim

For Respondents : Mr.Su.Srinivasan,
Asst. Solicitor General for RR 1 to 3
Mr.S.T.S.Murthy,
Govt. Pleader, assisted by
Mr.V.R.Kamalanathan, Addl.G.P.
and Mr.V.Shanmugha Sundar,
Govt. Advocate for RR 4 to 7

O R D E R

(Order of the Court was made by The Hon'ble Chief Justice)

The relief which the petitioner seeks was sought even earlier and the petitioner ought to have been aware of the same being a person who files the Public Interest Litigations. W.P.No.34201 of 2014 (between Siva Elango and Chief Secretary, Govt. of Tamil Nadu and others), was disposed of on 26.02.2015, whereby we directed the Chief Secretary, Government of Tamil Nadu, to decide the issue in consultation with appropriate authorities and in pursuance to the said direction, the State Government had come out with a clear instruction that they had no intention whatsoever of bringing out any legislation for Right to Public Services Act, which we had observed in the subsequent order dated 20.04.2015 in the following terms:

'The additional counter-affidavit filed on behalf of first two respondents makes it abundantly clear that the State Government has no intention whatsoever of bringing out any legislation for Right to Public Services. What is stated is that the Citizen's Charter approach is implemented in Tamil Nadu, under which there are ideal time periods specified and large number of grievances have been redressed.

2. In our view, that is not the question as there is a further issue of consequences, if the information is not supplied, which does not arise in the Citizen's Charter approach. From the fact of a large number of petitions being filed on account of non-disposal of the applications in different departments and the Court being called upon to consequently pass orders it is quite apparent that without some element of adverse consequence, implementation in proper manner, may not be practicable. It is, in this context, we had observed in our order dated 26.2.2015 that we are conscious that Right to Public Services Act was a legislative exercise and thus, no writ could have been issued in this behalf, but we wanted to know the stand of the Government, being an elected Government, which was naturally responsible to the people, who elect them and consequently, expect a time bound service from the State Government. The State Government in paragraph 11 of the additional counter-affidavit refers to this aspect and this being the policy decision, of which, we are quite aware, we had so observed in the order dated 26.02.2015.

3. We can clear the air by saying that despite the desirability of the Act, it is the policy decision of the State Government not to have it.

4. No further directions are required in this matter.'

2.The present writ petition is, thus, dismissed. No costs. Consequently, M.P.No.1 of 2015 also stands dismissed.

Sd/-

Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

sra

To

1.The Home Secretary,
Government of India,
Ministry of Home Affairs,
North Block, New Delhi.

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2.The Secretary,
Government of India,
Ministry of Law and Justice,
Union Secretariat, New Delhi.

3.The Secretary,
Government of India,
Ministry of Personnel,
Public Grievances and Pensions,
Dept. of Personnel and Training,
New Delhi.

4.The Chief Secretary,
State of Tamilnadu,
Secretariat, Chennai.

5.The Home Secretary,
State of Tamilnadu,
Secretariat, Chennai.

6.The Principal Secretary,
State of Tamilnadu,
Dept. of Law and Justice,
Secretariat, Chennai.

7.The Principal Secretary,
State of Tamilnadu,
Dept. of P & AR, Secretariat,
Chennai.

1 cc to Mr.S.M. Mohammed Saleem, Advocate, Sr. 56289
1 cc to Government Pleader, Sr. 56640

W.P.No.32662 of 2015

KGK (CO)
kk 20/10

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