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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2015

CORAM:

THE HONOURABLE Dr.JUSTICE S.TAMILVANAN

and

THE HONOURABLE MR.JUSTICE V.S.RAVI

W.P(MD)No.4427 of 2015

Hariprasad

... Petitioner

Vs.

1.The Principal Secretary,
Finance Department,
Secretariat,
Chennai 600 009.

2.The Secretary to the Government,
Municipal Administration and
Water Supply Department,
Government of Tamil Nadu,
Secretariat,
Chennai 600 009.

3.The Director,
Directorate of Town Panchayat,
Kuralagam,
Chennai 600 108.

4.The Commissioner,
Commissioner of Municipal Administration,
Ezhilagam Complex,
Chepauk,
Chennai 600 005.

5.The Union Finance Ministry,
represented by the Secretary,
Department of Expenditure,
North Block, New Delhi 110 001.

... Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of Writ of Mandamus, directing the 1st respondent to conduct inquiry and ascertain the responsibility of the officials for undue delay in transferring the grants to the accounts of respondents 3 and 4 that led to the State loss and also to recover the loss caused to the State to the tune of Rs.6,71,630/- (Rupees Six Lakhs Seventy One Thousand Six Hundred Thirty only) from the concerned erring officials and also to initiate departmental action against those erring officials for their negligence and carelessness.

For Petitioner

: Mr.Hariprasad,
Party-in-Person

<https://hcservices.ecourts.gov.in/hcservices/>

For Respondents

: Mr.V.R.Shanmuganathan,
Special Government Pleader.



ORDER

(Order of the Court was made by S.TAMILVANAN,J)

This writ petition has been filed as a Public Interest Litigation (PIL) invoking Article 226 of the Constitution of India, seeking an order in the nature of Writ of Mandamus, directing the Principal Secretary, Finance Department, the first respondent herein to conduct an inquiry and ascertain the responsibility of the officials for undue delay in transferring the grants to the accounts of the respondents 3 and 4 that led to the State loss and also to recover the loss caused to the State to the tune of Rs.6,71,630/- (Rupees Six Lakhs Seventy One Thousand Six Hundred Thirty only) from the concerned erring officials and also to initiate departmental action against those erring officials for their negligence and carelessness.

2.The Party-in-Person referring to the Government Order in G.O.Ms.No.166, Finance (FC II) Department, dated 22.05.2013 submitted that there was a loss to the tune of Rs.6,71,630/- to the Government and therefore, the first respondent has to conduct an inquiry and fix the responsibility on the erring officials.

3.Learned Special Government Pleader drew the attention of this Court to the reply sent by the Public Information Officer dated 29.12.2014 to the petitioner, Party-in-Person wherein it is stated that as per the guidelines issued by the Government of India, the local body grant must be transferred within the stipulated number of days i.e., five days of receipt from Central Government in case of States with easily accessible banking infrastructure and ten days in case of States with inaccessible banking infrastructure. Any delay will require the State Government to release the instalment with interest, at the Bank rate of Reserve Bank of India for the number of days of delay and this would be applicable from the second instalment of 2010-11 onwards. By working out the days and interest, a sum of Rs.6,71,630/- has been sanctioned so as to comply with the conditions of the Government of India. Learned Special Government Pleader submitted that the delay of 9 days shall not be treated as delay on the part of any individuals and it is purely an administrative delay and as such the question of recovery of the said sum from individuals does not arise, hence, the writ petition itself is not legally maintainable.

4.As contended by the learned Special Government Pleader, the reason for the delay has been stated and further the Government is not answerable to the petitioner for the delay in a Public Interest Litigation and further he cannot allege that there was a loss to the tune of Rs.6,71,630/- to the Government. Similarly, the petitioner is not entitled to seek a direction against the Principal Secretary to conduct an enquiry and fix the responsibility on certain officials and also initiate departmental action. The relief sought for in the writ petition, our view is not within the purview of public interest litigation. Hence, the writ petition is liable to be dismissed, as legally not maintainable.



5. In the result, the writ petition is dismissed, however, no order as to costs.

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Sd/-
Assistant Registrar(T&P)

Sub- Assistant Registrar

To

1. The Principal Secretary,
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3. The Director,
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4. The Commissioner,
Commissioner of Municipal Administration,
Ezhilagam Complex,
Chepauk,
Chennai 600 005.
5. The Secretary,
Union Finance Ministry,
Department of Expenditure,
North Block, New Delhi 110 001.

+1cc to Special Government Pleader in SR.No. 15493

+1cc to Mr.HariPrasad, Advocate in SR.No. 14800

sms

Sm:20.04.2015:3P/8C

W.P (MD) No.4427 of 2015
26.03.2015