

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:13.06.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

CrI.O.P.No.6492 of 2016

R.Krishnan

.. Petitioner

Vs.

1. The Director,
Vigilance and Anti-Corruption,
P.S.Kumarasamy Raja Salai,
Greenways Road, Raja Annamalaipuram,
Chennai-600 028.
2. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai.
3. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
No.1164, Thendral Nagar, Vengikkal,
Tiruvannamalai.

.. Respondents

Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure (Cr.P.C) to direct the respondents to register the complaint of the petitioner, dated 07.03.2016.

For Petitioner : Mr.B.Jawahar

For Respondents: Mr.P.Govindarajan,
Addl.Public Prosecutor

ORDER

This CrI.O.P. is filed by the petitioner to direct the respondents to register the complaint of the petitioner, dated 07.03.2016.

2. It is the case of the petitioner that the petitioner is working as Conductor in Tiruvannamalai Region of the Tamil Nadu State Transport Corporation (Villupuram) Limited. Nearly, 4000

employees are working in the Region and they are the members of various Trade Unions, which were started to promote the welfare of the employees. The Trade Unions of political parties which rule the State, will enjoy privileges and the employees of those Trade Unions may not come for work. It is further stated that one Govindaraj, who is working as Conductor and holding the post of General Secretary for Anna Trade Union in Tiruvannamalai Region, after the present political party came to power in June 2011, was posted as Time Keeper in Tiruvannamalai Central Bus Stand and from June 2011, he neither comes for work nor he has been attending any other work. For the Time Keepers, there is a manual Attendance Register in the Bus Stand, in which, they have to sign and it will be checked/verified by the officer attached to the Bus Stand. The said Govindaraj did not attend the work for the past 4-1/2 years, but received salary as if he attended the work. The then Branch Managers and one Vincent, General Manager colluded with the said Govindaraj and created bogus documents as if he attended the work regularly. If the said manual Attendance Register is checked from June 2011, the same will prove that the said Govindaraj has not attended duty. By creating false records, the above said persons, in order to execute their common intention, swindled money from the Transport Corporation. The said Govindaraj was due to retire by 31.03.2016. It is the further case of the petitioner that he sent a detailed complaint to the respondents on 07.03.2016 and upon receiving the same, they have not acted upon the complaint. Since the complaint was not registered so far, the petitioner has filed this Crl.O.P. for the relief stated supra.

3. The respondents 1 and 3 have filed counter affidavit stating that as per G.O.Ms.No.10, Personnel and Administrative Reforms (N) Department, dated 02.02.2016, in respect of the allegation of corruption against the public servants relating to acts made in an official capacity irrespective of the rank or group of the public servants complained against, the Directorate of Vigilance and Anti-Corruption (DVAC) shall forward the complaints to the Vigilance Commissioner and the Vigilance Commissioner in turn shall seek and consider the remarks of the Government, before ordering an appropriate enquiry by the DVAC. Since the allegations made by the petitioner relate to acts made in official capacity, the petitioner's original representation, dated 08.02.2016 was forwarded to the Secretary, Vigilance Commission, Secretariat, Chennai, by the DVAC, Chennai, vide Reference No.2251/2016/TNSTC/TVM, dated 16.03.2016 as per the above said G.O. , for necessary action. It is further stated that on 23.03.2016, a letter was addressed to the Secretary, Vigilance Commission, Secretariat, Chennai, by the Director of the DVAC, requesting to intimate the action taken on the petition, dated 07.03.2016 of the petitioner, in response to

which, the Secretary, Vigilance Commission, Secretariat, forwarded the petition to the Additional Chief Secretary to Government, Transport Department, Chennai, vide Letter No.1186/VC-III/2016-1, dated 24.03.2016, who in turn forwarded the same to the Managing Director of the Tamil Nadu State Transport Corporation (Villupuram) Limited, Villupuram, vide letter No.5309/C-1/2016-1, dated 31.03.2016, in response to which, the Managing Director of the Tamil Nadu State Transport Corporation (Villupuram) Limited, Villupuram, informed to the Government that a Committee with higher level officers of the Corporation has been constituted to enquire into the issue, vide letter No.7876/MACT-5/TNSTC (VPM)/TVM, dated 08.04.2016.

4. When the Crl.O.P. is taken up for hearing, the learned Additional Public Prosecutor appearing for the respondents submitted that based on the outcome of the enquiry by the above said Committee constituted by the Managing Director of the Transport Corporation, the respondents will proceed further in the matter in accordance with law. Recording this statement, this petition is disposed of.
cs

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Copy to

1. The Director,
Vigilance and Anti-Corruption,
P.S.Kumarasamy Raja Salai,
Greenways Road, Raja Annamalaipuram,
Chennai-600 028.
2. The Superintendent of Police,
Tiruvannamalai District, Tiruvannamalai.
3. The Deputy Superintendent of Police,
Vigilance and Anti-Corruption Department,
No.1164, Thendral Nagar, Vengikkal,
Tiruvannamalai.
4. The Public Prosecutor, High Court, Madras.

KR/1/7/16

Crl.O.P.No.6492 of 2016