



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.09.2016

CORAM:

**THE HONOURABLE MR.JUSTICE S.NAGAMUTHU
AND
THE HONOURABLE MR.JUSTICE M.V.MURALIDARAN**

W.P. [MD].No.15717 of 2013

V.Thangamani : Petitioner

Vs.

- 1.The Chief Engineer [General],
Public Works Department, Chennai 5.
- 2.The Director,
Directorate of Vigilance and Anti-Corruption,
Chennai.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Kanyakumari Detachment,
Nagercoil.
- 4.U.Subramanian,
Executive Engineer, Public Works Department,
Kodayar Basin Division, Nagercoil.
- 5.Jeya Ganesan,
Assistant Executive Engineer,
Public Works Department,
Kodayar Basin Sub-Division,
Cheruppallor, Kulasekaram Post,
Kanyakumari District.
- 6.P.Melki Sadek,
Assistant Engineer,
Public Works Department, Neyyar Division 1,
Kuzhithurai, Kanyakumari District.
- 7.Aravinth Kumar,
Assistant Engineer,
Pechiparai Dam Section, Pechiparai,
& Post, Kanyakumari District.



8.Surendiran,
Public Works Department Watchman,
Pechiparai Dam Section, Pechiparai & Post,
Kanyakumari District.

9.Agustin, Works Superintendent,
Pechiparai Dam, Pechiparai & Post,
Kanyakumari District.

10.Mahalingam,
Watchman, Thirparappu Left Bank Cannal,
Water Resources Organization, Public Works Department,
Cheruppalur, Kulasekaram Post,
Kanyakumari District.

11.Johnson, Watchman,
Thirparappu Left Bank Cannal,
Water Resources Organization, Public Works Department,
Cheruppalur, Kulasekaram Post,
Kanyakumari District.

[R-4 to R-11 impleaded, vide order dated 05.11.2013 in M.P.(MD).
No.1 of 2013].

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the
Constitution of India to issue a Writ of Mandamus directing the
first respondent to initiate action on the basis of the enquiry
report of the third respondent dated 24.05.2012.

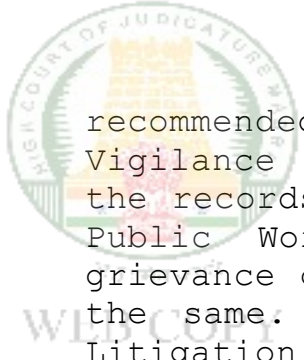
For Petitioner : Mr.C.T.Perumal

For Respondent Nos.1to3 : Mr.M.Govindan
Special Government Pleader

O R D E R

[Order of the Court was made by **S.NAGAMUTHU, J.**]

The petitioner made a representation to the respondents 1 to 3
alleging that there were malpractices committed in certain works
executed by the Public Works Department Officials. In respect of
the same, an enquiry was held by the Deputy Superintendent of
Police, Vigilance and Anti Corruption. He took up as many as 16
allegations. After holding enquiry, he submitted a report to the
Director of Vigilance and Anti Corruption, Chennai, under a letter
No.37503/PWD/2011/KK, dated 24.05.2012, wherein he found that
seven allegations were not substantiated. In respect of the
remaining nine allegations, he gave a finding that four relate to
the negligence on the part of the Revenue Officials. The remaining
five alone relate to Public Works Department Officials. He



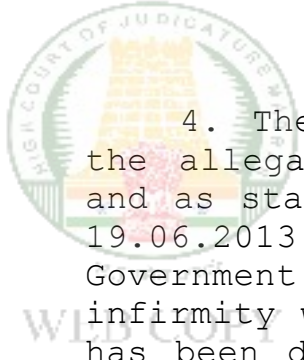
recommended for further action in the matter. The Director of Vigilance and Anti Corruption, Chennai, after having gone through the records, submitted the papers to the Chief Engineer, [General] Public Works Department, Chennai, for necessary action. The grievance of the petitioner is that no further action was taken on the same. Therefore, he has come up with this Public Interest Litigation.

2. In the counter filed by the first respondent, in Paragraph Nos.5 and 6, it is stated as follows:-

"5. With regard to the averments in paragraphs 8 and 9 of the affidavit, it is submitted that the submission of the petitioner that he had noticed various irregularities in the field is misleading and it is denied as false that the bills are claimed for works without execution. In other words the bills were claimed only for works which are actually executed and no malpractices were taken place. Each and every work executed by Public Works Department, Water Resources Organisation is being monitored by Assistant Engineer, counter checked by Sub Division Officer and super checked by Executive Engineer and then only bills are passed for payment.

6. It is submitted that the averments made in paragraphs 10 to 16 of the affidavit are the narrations of the events following the submission of W.P.(MD) No.14539 of 2011 by the petitioner and there are no remarks in this regard. However with regard to paragraphs 17 and 18 of the affidavit, it is averred that based on the enquiry report dated 19.06.2012 furnished by the Directorate of Vigilance and Anti-Corruption, the Chief Engineer, Water Resources Organisation, Madurai Region, Madurai has been requested to verify the works executed. On verification, the Chief Engineer, Water Resources Organisation, Madurai Region, Madurai in his letter Nos. Supdt/001/2012/dated.10.08.2012 and Ka.Ka/001/2012 (305) dated 19.06.2013 reported that all the works done were in order and no action is due against any officials. In the light of reports dated 10.08.2012 and 19.06.2013 by the Chief Engineer, Water Resources Organisation, Madurai Region, Madurai, it is submitted that it is unnecessary to take any action against any officials, since no irregularity was found in the works concerned".

3. The learned counsel for the petitioner would submit that only in respect of two allegations, action has been taken against the Officials of the Public Works Department by the Chief Engineer [General], but no action has been taken in respect of the other



4. The learned Special Government Pleader would submit that the allegations were dealt with by the Chief Engineer [General] and as stated in the counter, the matter was therefore, closed on 19.06.2013. In this submission made by the learned Special Government Pleader for the respondents, we do not find any infirmity warranting further probe in the matter. Since the matter has been dealt with by the officials at various levels and since it has been finally closed, we are not inclined to issue any further direction in this Writ Petition.

5. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

NB
To

- 1.The Chief Engineer [General],
Public Works Department, Chennai 5.
- 2.The Director,
Directorate of Vigilance and Anti-Corruption,
Chennai.
- 3.The Deputy Superintendent of Police,
Vigilance and Anti Corruption,
Kanyakumari Detachment,
Nagercoil.

+1CC to Mr.C.T.Perumal, Advocate Sr.No.52956
+1CC to Spl.Government Pleader Sr.No.52882

GJM/SS2/30.9.16-4p-6C

ORDER MADE IN
W.P. [MD].No.15717 of 2013
15.09.2016