

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.07.2017

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Writ Petition No.9023 of 2017
& W.M.P.No.9940 of 2017

V.Hari Radhakrishnan,

... Petitioner

//vs//

- 1 . The Government of Tamil Nadu,
Rep. by the Chief Vigilance Commissioner,
Secretariat, St. George Fort,
Chennai 600 009.
- 2 . The Director,
Directorate of Vigilance & Anti Corruption,
M.K.N.Road, Alandur,
Chennai 600 016.
- 3 . The Principal Secretary,
Department of Personnel and Administrative Reforms,
Secretariat, St. George Fort,
Chennai 600 009.
- 4 . The Principal Secretary,
Department of Tourism & Culture,
Secretariat, St. George Fort,
Chennai 600 009.
- 5 . Mr. Har Sahay Meena,
Former Commissioner of Tourism,
Now working as MD in Tamil Nadu Salt Corporation Ltd.,
LLA Building, 735, Anna Salai IV Floor,
Chennai 600 002.
- 6 . G.Kamarajan,
Deputy Director,
Commissionerate of Tourism,
Tamilnadu Tourism,
Walajah Road, Chennai 600 002.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Mandamus directing the first respondent to consider petitioner representation dated 21.03.2017 and appoint an independent enquiry commission headed

by an officer not below the rank of Joint Secretary to conduct enquiry on the corruption charges leveled against fifth and sixth respondent and in furtherance of which criminal prosecution be launched before the second respondent.

For Petitioner : Party in person -No appearance

For Respondents 1 to 4 : Mr. S.Babu,
(Govt. Advocate)

For 6th Respondent : Ms.Kavitha Deenadayalan

For 5th Respondent : No appearance

O R D E R

Previously, when the matter came up on 30.06.2017, this Court has given a direction to the respondents to verify whether there were any Departmental proceedings initiated against the Writ Petitioner. Yesterday (13.07.2017), when the matter came up for hearing, the learned counsel appearing for the respondents 1 to 4 submitted that disciplinary proceedings were initiated against this Writ Petitioner under Section in 17 (a) of Tamil Nadu Civil Services (Disciplinary and Appeal) Rules. Learned counsel who appeared on behalf of the writ petitioner submitted that the writ petitioner got back the bundle and not objected for change of vakalat. Therefore, the matter is listed today and the name of the writ petitioner is also printed in the cause list. But there is no representation on the side of the writ petitioner and the writ petitioner is also absent.

2. On a perusal of the records, it is seen that the prayer sought for in the writ petition is to give direction to the first respondent to consider the representation dated 21.03.2017 made by the writ petitioner, whereas, on a perusal of the records, it reveals that the writ petition was filed as early as on 15.03.2017. It is not known as to how the writ petitioner filed the writ petition on 15.03.2017 stating that the representation given by the writ petitioner on 21.03.2017 to be considered by the first respondent. Therefore, on the date of filing of the writ petition, there was no representation given by the petitioner to the first respondent to consider the same and no cause of action has arisen for filing this writ petition. Today also, the writ petitioner has not appeared before the court. Under these circumstances, the Writ Petition is not maintainable and the same is liable to be dismissed.

3. In fine, the Writ Petition is dismissed.
Consequently, connected miscellaneous petition is closed.

s/d-
Assistant Registrar(J)

True Copy

Sub-Assistant Registrar

mst

To

- 1 . The Chief Vigilance Commissioner,
The Government of Tamil Nadu,
The Chief Vigilance Commissioner,
Secretariat, St. George Fort,
Chennai 600 009.
- 2 . The Director,
Directorate of Vigilance & Anti Corruption,
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Chennai 600 009.
- 4 . The Principal Secretary,
Department of Tourism & Culture,
Secretariat, St. George Fort,
Chennai 600 009.

+2 Ccs to Ms.Kavitha Deenadayalan, Advocate sr 49472
+1 CC to Govt. Pleader sr 49350

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SP(02/08/2017)