

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.07.2017

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. No.8625 of 2017

Chinnadurai, S/o.P.Rasu ... Petitioner

Vs.

1.The Director of School Education,
Directorate of School Education,
D.P.I. Complex,
College Road,
Chennai - 600 006.

2.The Chief Educational Officer,
Chennai District,
Chennai - 600 006.

3.The District Educational Officer,
Chennai District,
Chennai.

4.The Head Master,
Government High Secondary School,
Gandhi Irvin Road,
Egmore,
Chennai - 600 008.

5.Sivakumar, S/o Pattusamy ... Respondents

PRAYER : Petition filed Under Article 226 of the Constitution of India to issue an appropriate Order, Directions or Writ including a Writ of Mandamus directing the Respondents 1 to 3 to take action against the 5th Respondent as per the provisions of Tamil Nadu Civil Services (Discipline and Appeal) Rules.

For Petitioner : Mr.G.Pugazhenth

For Respondents : Mr.K.Dhanajeyan(R1 to R4)
Special Government Pleader.

O R D E R

The affidavit in support of the writ petition states that the fifth respondent, who is an employee of the Education Department borrowed a loan of Rs.3,50,000/- (Rupees Three lakh and fifty thousand only) from the petitioner and by way of repayment the fifth respondent issued a cheque and the cheque was dishonoured.

2. Further, the writ petitioner filed a private complaint in STC No.441 of 2013 before the Judicial Magistrate Court, Jayankondam and a non-bailable warrant was also issued against the fifth respondent and he was arrested on 10th August 2015 and remanded to Judicial custody on 24th August 2015 and subsequently released on bail.

3. Now, grievance of the writ petitioner is that he made a representation on 12th November 2016 to the respondents to initiate action against the writ petitioner under the Provisions of the Tamilnadu Civil Services (Discipline and Appeal) Rules. Such a prayer by a third person is not maintainable and once a Government employee is an accused in a criminal case, it is for the department officials to initiate proper action against the fifth respondent. The question of considering the representation does not arise at all. The writ petitioner can submit his representation along with the criminal case records to the Competent Authority, who in turn, has to consider the materials available and take a decision in this regard.

4. With this observation, this writ petition is disposed of. However, there is no order as to costs.

Sd/-

Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

To

- 1.The Director of School Education,
Directorate of School Education,
D.P.I. Complex,
College Road,
Chennai - 600 006.

WEB COPY

2.The Chief Educational Officer,
Chennai District,
Chennai - 600 006.

3.The District Educational Officer,
Chennai District,
Chennai.

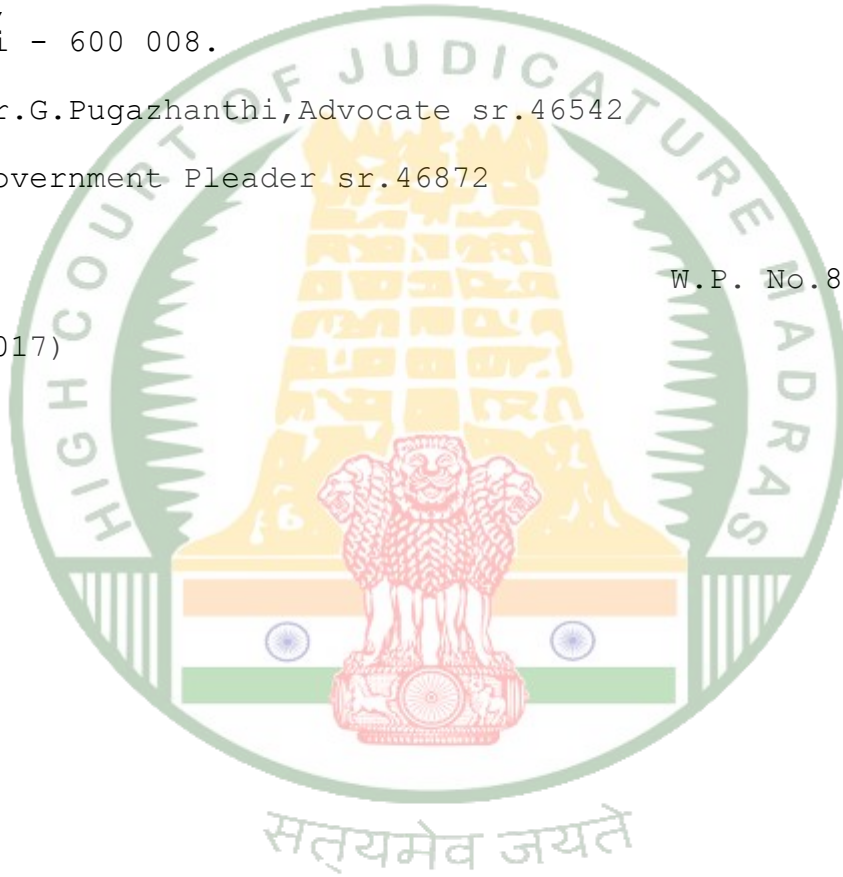
4.The Head Master,
Government High Secondary School,
Gandhi Irvin Road,
Egmore,
Chennai - 600 008.

+1cc to Mr.G.Pugazhanthi,Advocate sr.46542

+1cc to Government Pleader sr.46872

W.P. No.8625 of 2017

ss(17/7/2017)



WEB COPY