

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2017

CORAM

THE HONOURABLE MR. JUSTICE M.S.RAMESH

W.P.Nos.1613 of 2016 & 7168 of 2017

S.Marimuthu

... Petitioner in

W.P.Nos.1613 of 2016 & 7168 of 2017

..Vs..

1.The Chief Works Manager,
Perambur Loco Works,
Southern Railway,
Ayanavaram,
Chennai-23.

2.State rep.by Inspector of Police,
K-7, I.C.F. Police Station,
ICF, Chennai.

... Respondents in
W.P.No.1613 of 2016

1.The General Manager,
Southern Railway,
Park Town, Chennai-3.

2.The Chief Works Manager,
Perambur Loco Woks,
Southern Railway,
Ayanavaram, Chennai-23.

3.The Finance Advisor and Chief Accounts Officer,
Joint Office, Southern Railway,
Ayanavaram, Chennai-23.

4.State rep.by Deputy Commissioner of Police,
Kilpauk, Chennai-10.

5.State rep.by Inspector of Police,
K-7, I.C.F. Police Station,
I.C.F, Chennai.

6.A.Anthony Doss

7.Moses Xavier

8.V.M.Palanivelan

9.M.S.Padmanaban

10.S.Kumar

... Respondents in
W.P.No.7168 of 2017

Prayer in W.P.No.1613 of 2016: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing to the respondent No.1 to enquire the complaint dated 31.10.2015 and forwarded the same to the respondent No.2 to register the complaint dated 31.10.2015.

Prayer in W.P.No.7168 of 2017: Writ Petition filed under Article 226 of Constitution of India praying to issue Writ of Mandamus directing the respondent no.1 to enquire the respondent No.6 to 10 for my complaint dated 15.04.2016 to take a department action subsequently forward my complaint to the respondent No.5 to register the complaint, consequently he should submit all his actions reports a month at this Hon'ble Court.

For Petitioner : Mr.S.Marimuthu (in both Wps)
Party in Person

For Respondents : Mr.P.T.Raman for R1
in (W.P.1613 of 2016) Standing Counsel for Railways

Mr.K.Dhananjayan for R2
Special Government Pleader

For Respondents : Mr.P.T.Raman for R1 to R3
in (W.P.7168 of 2017) Standing Counsel for Railways

Mr.K.Dhananjayan for R 4 & 5
Special Government Pleader

C O M M O N O R D E R

The grievance of the petitioner in both the writ petitions is that one of the employees viz., Chandbasha had died

due to harassment given by certain named persons, since they are demanding Kanthuvatti. When the petitioner had attempted to complain about this, he claims to have been threatened and man handled by one Kumar and others. In view of the same, he had filed both the writ petitions, one seeking a direction to the Department to circulate his complaint to the Police, for the Police to register and the other, for direction to the Department to conduct an enquiry.

2.Mr.P.T.Ram Kumar, learned Senior Standing Counsel would submit that the petitioner had given various complaints and based on one of his complaint dated 02.05.2016, a Departmental Enquiry was conducted by the Workshop Manager/Electrical/Loco works, Southern Railway, Chennai-600 023 and after examining the issue raised by the petitioner, it was concluded that there was no substantial proof to establish the petitioner's complaint.

3.As per the enquiry report, the averment that he was threatened and assaulted by Kumar and Palanivelan was not substantiated with sufficient proof. Since the petitioner's representations have already been considered by the Department, it would not be appropriate to refer these complaints for the purpose of registration. If at all, the petitioner is aggrieved, it is left open to him to challenge the Final Report passed against the petitioner.

4.In the result, I do not find any merit in the present writ petitions. Accordingly, the same stands dismissed. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

KP

To

1.The Chief Works Manager,
Perambur Loco Works,
Southern Railway,
Ayanavaram,
Chennai-23.

2.State rep.by Inspector of Police,
K-7, I.C.F. Police Station,
ICF, Chennai.

3.The General Manager,
Southern Railway,
Park Town, Chennai-3.

4.The Finance Advisor and Chief Accounts Officer,
Joint Office, Southern Railway,
Ayanavaram, Chennai-23.

5.State rep.by Deputy Commissioner of Police,
Kilpauk, Chennai-10.

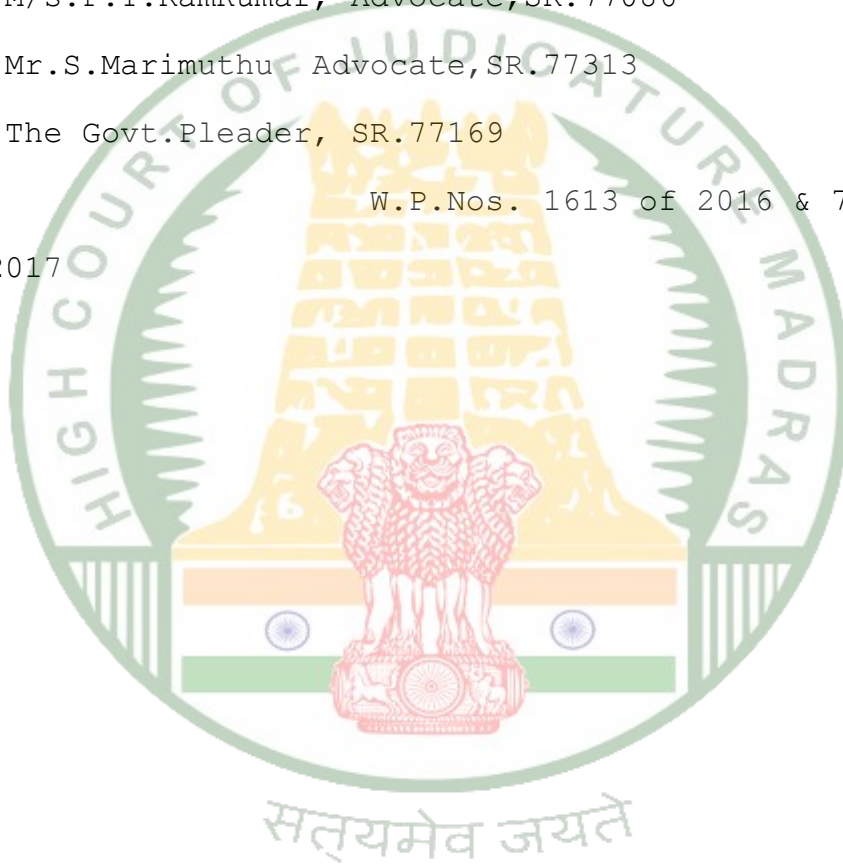
+ 1 cc to M/s.P.T.RamKumar, Advocate, SR.77086

+ 1 cc to Mr.S.Marimuthu Advocate, SR.77313

+ 1 cc to The Govt.Pleader, SR.77169

W.P.Nos. 1613 of 2016 & 7168 of 2017

NR 16/11/2017



WEB COPY