



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 07.07.2017

CORAM :

WEB COPY

THE HONOURABLE MR.JUSTICE V.BHARATHIDASAN

Cr1.R.C(MD) No.444 of 2017

B.Anna Thurai

... Petitioner

Vs.

1.Rakesh

2.J.Aseer Backiaraj

3.The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.4.The Deputy Superintendent of Police,
O/o.Deputy Superintendent of Police,
Valliyoor, Tirunelveli District.5.The Superintendent of Police,
O/o.Superintendent of Police,
Samadanpuram, Palayamkottai,
Tirunelveli District.

... Respondents

Petition filed under Sections 397 read with 401 Cr.P.C, praying to call for records pertaining to the order passed in Cr.M.P.No.2735 of 2017 dated 28.04.2017 by the Judicial Magistrate, Valliyoor and set aside the same.

For Petitioner

: Mr.T.Lajapathi Roy

For RR - 1 & 2

: Mr.D.Saravanan

For RR - 3 to 5

: Mr.C.Mayilvahana Rajendran

Additional Public Prosecutor

ORDER

Against the order, dismissing the petitioner's application filed under Section 156(3) Cr.P.C., the present Criminal Revision Case has been filed.

2.According to the petitioner, the petitioner was working as Senior Technical Assistant in ISRO, Magendiragiri, Tirunelveli District and he belongs to a scheduled caste community. The respondents 1 and 2, herein are working as Chairman cum Managing Director and Deputy Director respectively in ISRO. With an intention to insult the petitioner, they forged a transfer order and



transferred him to Ahamadapad and thereby committed an offence under SC & ST (Prevention of Atrocities) Act. Apart from that, the petitioner has also made various allegations against the respondents 1 and 2.

3.The Court below has elaborately considered all the materials available on record and dismissed the petition stating that the petitioner has been transferred as per regulations of ISRO and there is no material to show that the respondents 1 and 2 have committed atrocities against him for invoking the provisions of Scheduled Castes and the Scheduled Tribes (Prevention of Atrocities) Act, 1989. Challenging the order of dismissal, the present Criminal Revision Case has been filed.

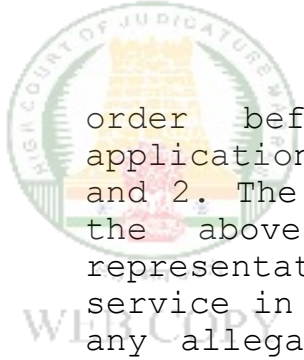
4.Heard Mr.T.Lajapathi Roy, learned counsel appearing for the petitioner; Mr.D.Saravanan, learned counsel appearing for the respondents 1 and 2 and Mr.C.Mayilvahan Rajendran, learned Additional Public Prosecutor for the respondents 3 to 5.

5.The learned counsel appearing for the petitioner submitted that the respondents 1 and 2, who are the responsible officers in ISRO, Tirunelveli, with a *mala fide* intention and in order to insult the petitioner who belongs to scheduled caste community, fabricated transfer order and transferred him to Ahmedabad. The Court below without considering the case in proper and perspective manner, dismissed the application filed by the petitioner.

6.Per contra, the learned counsel appearing for the respondents 1 and 2 submitted that there is no fabrication of any transfer order and as per the regulations of ISRO, the petitioner along with four other persons have been transferred and this petitioner has been transferred to Ahmedabad. Challenging the order of transfer, the petitioner has also filed applications before the Central Administrative Tribunal in O.A.Nos.150 of 2016, 310 of 2016 and 928 of 2016, in which, the Central Administrative Tribunal directed the petitioner to submit a representation for retaining him in Tirunelveli. In the above said Original Applications, the petitioner did not make any allegation that the respondents 1 and 2 have fabricated transfer order. Hence, the present petition has been filed with *mala fide* intention and total abuse of process of law.

7.I have considered the rival submissions made on either side and also perused the records carefully.

8.The main allegation made in the petition filed by the petitioner is that the respondents 1 and 2 with a *mala fide* intention, giving false information and created forged transfer order dated 14.01.2016 and thereby transferred the petitioner to Ahmedabad. But, it is seen from the records produced by the respondents that the petitioner has challenged the above transfer



order before the Central Administrative Tribunal. In that application, no such allegation was made against the respondents 1 and 2. The Central Administrative Tribunal also passed an order in the above applications directing the petitioner to make a representation before the concerned authority seeking to retain his service in Tirunelveli itself. Therefore, the petitioner cannot make any allegation as if the transfer order has been forged by the respondents 1 and 2.

9. In the above stated circumstances, I find no *prima facie* case is made out to conduct enquiry against the respondents 1 and 2. The Court below after considering all the materials has rightly dismissed the application and there is no illegality in the order passed by the Court below.

10. In fine, this Criminal Revision Case is dismissed.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Judicial Magistrate, Valliyoor
2. The Inspector of Police,
Panakudi Police Station,
Tirunelveli District.
3. The Deputy Superintendent of Police,
O/o. Deputy Superintendent of Police,
Valliyoor, Tirunelveli District.
4. The Superintendent of Police,
O/o. Superintendent of Police,
Samadanpuram, Palayamkottai,
Tirunelveli District.
5. The Additional Public Prosecutor,
Madurai Bench of Madurai High Court, Madurai.

+ 1 CC TO Mr. T. LAJAPATHI ROY, ADVOCATE IN SR No. 64347

+ 1 CC TO Mr. D. SARAVANAN, ADVOCATE IN SR No. 64056

MJ

TE/JC/SAR-II : 19/07/2017 : 3P/8C

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