



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. (MD) No.12891 of 2017

and

W.M.P. (MD) No.9985 of 2017

R.Thirumalsamy

... Petitioner

Vs.

1.The Chief Secretary to
Government of Tamil Nadu,
Fort.St.George, Chennai - 600 009.

2.The Secretary,
Personnel and Administrative,
Reforms Department,
Fort St.George, Chennai - 600 009.

3.The Secretary,
Law Department,
Fort St.George, Chennai - 600 009.

4.The Secretary,
Municipal Administration and
Water Supply Department,
Fort St.George, Chennai - 600 009.

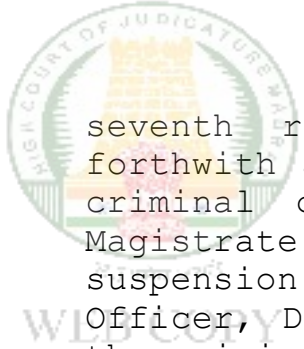
5.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

6.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul - 624 001.

7.G.R.Saragasaravanan,
Assistant Revenue Officer,
Dindigul City Municipal Corporation,
Dindigul.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents herein to enforce Government Letter. No.43/N/2015-3 dated 26.04.2016 as well as Rule 8 (9) (ii) of Coimbatore City Municipal Corporation (D&A) Rules on Mr.G.R.Saranga Saravanan, the



seventh respondent herein and an accused in Criminal case forthwith and place him under suspension till the disposal of the criminal case in C.C.No.56 of 2013 on the file of Judicial Magistrate No.I, Dindigul as per the statutory rules governing suspension and fore-bear him from acting as Assistant Revenue Officer, Dindigul City Municipal Corporation till the disposal of the criminal case.

For Petitioner : Mr.K.Rajkumar
 For Respondents 1 to 5 : Mr.R.Karthikeyan
 Additional Government Pleader
 For Respondent No.6 : Mr.J.Lawrance
 For Respondent No.7 : Mr.H.Mohamed Imran
 for M/s.Ajmal Associates

O R D E R

By consent of both parties, the writ petition itself is taken up for final disposal.

2.The writ petitioner has come to this Court seeking a writ of mandamus, directing the respondents herein to enforce Government Letter. No.43/N/2015-3 dated 26.04.2016 as well as Rule 8(9) (ii) of Coimbatore City Municipal Corporation (D&A) Rules on G.R.Saranga Saravanan, the seventh respondent herein, who has been cited as an accused in a criminal case in C.C.No.56 of 2013, on the file of the Judicial Magistrate No.I, Dindigul, and place him under suspension till the disposal of the said criminal case.

3.The learned counsel appearing for the petitioner would submit that one Saranga Saravanan, working as Assistant in Dindigul City Municipal Corporation, is now holding additional charge of the post of Assistant Revenue Officers. When the petitioner visited the Corporation for getting the Date of Birth Certificate of his son, who was born in Dindigul Government Hospital, was shocked to find the seventh respondent holding the post of incharge Assistant Revenue Officer.

4.The petitioner earlier had an occasion to visit R.M.Colony, East Govindapuram, Dindigul. At that time, he witnessed one Saranga Saravanan, trespassing into the house of one R.Chandrasekaran, Sanitary Inspector and abusing both R.Chandrasekaran as well as his wife Sampooranam, threatening to kill them. The petitioner also found the seventh respondent in a drunken mood creating ugly scenes in front of the public, using unparliamentary and filthy language against R.Chandrasekaran and his wife, out of a prior motive in connection with disbursement of Provident Fund amount.

5.Later, on enquiry, the petitioner came to know that one Chandrasekaran, and his wife have lodged a criminal complaint



before the Sub-Inspector of Police, Dindigul (West) Police Station, Dindigul, complaining that one Saranga Saravanan had trespassed into their house and abused them on 03.03.2013, and the said complaint has been registered in C.C.No.56 of 2013 on 03.03.2013. But, unfortunately, the said Saranga Saravanan has continued to function as Assistant Revenue Officer. It is not known as to how the person who is facing a criminal case for offences under sections 448, 294 (b), 506 (ii) of IPC in C.C.No.56 of 2013, can be allowed to hold office as against the circular dated 26.04.2016.

6.Learned counsel appearing for the petitioner submitted that since no action has been taken, the petitioner, taking a larger interest, has come to this Court by filing a Writ Petition in W.P. (MD)No.18649 of 2014 and submitting further, it is stated that in similar circumstances this court has given liberty to the petitioner therein to make representation to the authorities to invoke the said provision to place the individual facing criminal case under suspension. Hence, this present prayer be allowed, he pleaded.

7.The learned Additional Government Pleader appearing for the respondents urged this Court to dismiss the writ petition for the reason that the petitioner is no way connected to the said incident. He is not an employee working in the sixth respondent office, but he is only a passerby. Therefore, when the petitioner has no *locus standi*, he is not entitled to approach this Court with such writ petition. It is further submitted that when the affected person has not even come forward to take action against the said Assistant Revenue Officer, the petitioner's prayer is nothing but an after thought motivated with some vested interest. Therefore, the same is liable to be dismissed.

8.I also find some merits on the submission made by the learned Additional Government Pleader, hence this court is unable to find any merit in the plea made by the petitioner. When the incident has taken place on 03.03.2013, it is not known as to why the petitioner has taken so much of time namely, four years time to come to this Court to take action against the said Saranga Saravanan. In these type of matters, the employer alone would be the authority to take decisions. As rightly contended by the learned Additional Government Pleader, the petitioner has no *locus standi* to prosecute the case, more particularly when the victim himself was not bothered about this, no third party can come to this Court.

9.Accordingly, the writ petition stands dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AD-II)



To

1.The Chief Secretary to
Government of Tamil Nadu,
Fort.St.George, Chennai - 600 009.

WEB COPY

2.The Secretary,
Personnel and Administrative,
Reforms Department,
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3.The Secretary,
Law Department,
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4.The Secretary,
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5.The Commissioner of Municipal Administration,
Chepauk,
Chennai - 600 005.

6.The Commissioner,
Dindigul City Municipal Corporation,
Dindigul - 624 001.

+1cc to M/S.AJMAL ASSOCIATES, Advocate SR.No.73590

+1cc to M/S.J.LAWRANCE, Advocate SR.No.74119

+1cc to M/S.K.RAJ KUMAR, Advocate SR.No.73367

+1cc to Special Government Pleader, SR.No. 74302

DAS/MR

MAS/MR-KKR/SAR2:08.11.2017:4P-11C

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