



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 08.03.2017

CORAM:

THE HONOURABLE MR.JUSTICE A.SELVAM
and
THE HONOURABLE MR.JUSTICE N.AUTHINATHAN

W.P(MD)No.1606 of 2017

R.Abraham

.. Petitioner

Vs.

1.The Director,
Office of the Elementary Education,
Government College Road,
Chennai - 600 006.

2.The District Educational Officer,
District Elementary Education,
Thoothukudi Educational District,
Thoothukudi.

3.The Assistant Educational Officer,
Department of Elementary Education,
Alwarthirunagari Union,
Thoothukudi District.

4.The Correspondent,
TNDTA Middle School,
Meerankulam,
Thoothukudi District.

5.D.Harbansingh Premkumar

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus, directing the first respondent to conduct a proper enquiry in the commission of illegality, irregularity and also in committing fraud, foul play in misappropriating substantial amount under the caption of salary arrears from the Government Exchequer by the respondents 2, 3, 4 and 5 forthwith and launch subsequent criminal prosecution in the event of the same is found to be proved in the enquiry proceedings as against them in pursuance of the petitioner's representation dated 25.07.2016 to the first



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For Petitioner : Mr.S.Palani Velayutham
For RR 1 to 3 : Mr.M.Govindan,
Special Government Pleader.
For R - 4 : Mr.G.Thalaimutharasu
For R - 5 : Mr.A.Ajith Geethan

ORDER

[Order of the Court was made by A.SELVAM, J.]

This writ petition has been filed under Article 226 of the Constitution of India praying to direct the respondents 1 and 2 to initiate action against the respondents 3 to 5 in respect of alleged illegality, irregularity and misappropriation alleged to have been done by them, by way of issuing a writ of mandamus.

2.The learned counsel appearing for the fifth respondent has contended that proper action has already been taken against the fifth respondent.

3.The learned Special Government Pleader appearing for the respondents 1 to 3 has contended to the effect that already recovery proceedings have been initiated.

4.The learned counsel appearing for the petitioner has contended that totally a sum of Rs.4,00,000/- has been misappropriated. But the authorities have initiated action only to recover a paltry sum of Rs.1,00,000/-.

5.It is seen from the records that on 25.07.2016 a representation has been given by the petitioner. But the same has not been considered. Under the said circumstances, this Court is inclined to pass the following order.

6.In fine, this writ petition is allowed in part without costs and the respondents 1 and 2 are strictly directed to look into the representation dated 25.07.2016 and dispose of the same within a period of one month.

Sd/-
Assistant Registrar(CS II)

/True Copy/

Sub Assistant Registrar



To

1.The Director,
Office of the Elementary Education,
Government College Road,
Chennai - 600 006.

2.The District Educational Officer,
District Elementary Education,
Thoothukudi Educational District,
Thoothukudi.

3.The Assistant Educational Officer,
Department of Elementary Education,
Alwarthirunagari Union,
Thoothukudi District.

4.The Correspondent,
TNDTA Middle School,
Meerankulam,
Thoothukudi District.

+1cc to special Government Pleader Sr.No.13444
+1cc to Mr.S.Palanivelayutham, Advocate SR.No.13257
+1cc to Mr.A.Ajith Geethan, Advocate Sr.No.13311

ps

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ORDER MADE IN
W.P (MD) No.1606 of 2017
08.03.2017