



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.09.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.1747 of 2016

P.Saravanan

.. Petitioner

Vs.

1.The Chief Secretary/Vigilance Commissioner,
Government of Tamil Nadu,
Fort St. George, Chennai - 9.

2.The Secretary to Government,
Finance Department,
Fort St. George, Chennai - 9.

3.The Secretary to Government,
Home Department,
Fort St. George, Chennai - 9.

4.The Secretary to Government,
Personnel and Administrative Reforms Department,
Fort St. George, Chennai - 9.

5.The Director,
Vigilance and Anti-Corruption,
Greenways Road, RA Puram,
Chennai - 28.

.. Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent nos.1 to 5 to consider the representation dated 16.12.2015 made by the petitioner to create Karur Vigilance Office in Karur District on par with other districts in the State and pass appropriate orders within stipulated time period as may be fixed by this Court.

For petitioner

: Mr.S.Balamurugan
For T.Sundaravadanam

For respondents

: Mr.M.Govindan
Special Government Pleader



O R D E R

[Order of the Court was made by K.K.SASIDHARAN, J.]

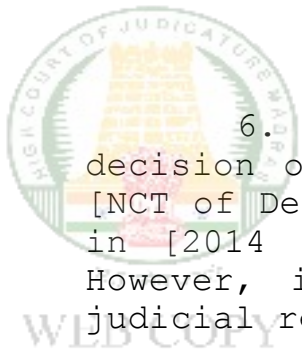
The petitioner filed this Writ Petition to direct the respondents to sanction and to constitute Vigilance Cell in Karur District on par with other districts across the State.

2. The petitioner, in his affidavit filed in support of the Writ Petition, contended that on account of failure on the part of the Government to establish a Vigilance and Anti-Corruption Cell, at Karur, the people, who are desirous of making complaints have to travel to other districts by spending money. The petitioner contended that the complainant has to travel 80 Kms to reach Trichy for making complaint. He would further contend that the complainant would be made to return compulsorily by the officials at Trichy on the ground that he should produce the audio recordings demanding money and thereafter only, the trap would be laid. This would consume considerable time. The petitioner, therefore, submitted a representation dated 16.12.2015, requesting the Government to sanction a separate Vigilance Cell in Karur. Since there was no follow up action taken, the petitioner has come up with this Writ Petition.

3. The Deputy Secretary to Government, Personnel and Administrative Reforms Department, Chennai, in his counter affidavit, submitted that the creation of Vigilance Cell in the District of Karur is in the realm of policy and as such, it is not within the province of the Court to give a direction for such constitution.

4. We have heard the learned counsel appearing for the petitioner. We have also heard the learned Additional Government Pleader appearing for the respondents.

5. The State is obliged to constitute the State Vigilance Commission. The Commission should have a Director, who is not accountable to the Executive. We have, in our order dated 28.07.2017, in W.P.[MD].No.12482 of 2017, directed the State to appoint a Full-Time Vigilance Commissioner and Director, who would be accountable only to the Vigilance Commission. It is true that the State has constituted a Vigilance Cells in some of the Districts. The District of Karur was formed at a later point of time. As-on-today, the Vigilance Cell in Trichy is catering to the needs of the people from Karur District. The petitioner has expressed the practical difficulties in approaching the authorities at Trichy in relation to the complaints, which originates from Karur. The Government cannot be heard to say that the Constitution of Vigilance Cell is in the realm of policy. The question of framing of policy in matters relating to Vigilance and Anti-Corruption. We, therefore, reject the contention taken by the respondents.



6. In fact, the respondents have placed reliance on the decision of the Hon'ble Supreme Court in Secretary to Government [NCT of Delhi] and others, Vs. Grade I DASS Officers' Association, in [2014 (3) SCC 296], which relates to service jurisprudence. However, in a matter relates to prevention of corruption, the judicial review cannot be brushed aside.

7. In fact, the Constitution of Vigilance Wing in District level would be an access to justice. Before constitution of Karur district, it was part of the Trichy District. Even after the constitution of separate District of Karur, the Vigilance Wing remained at Trichy, without there being any action taken to constitute a separate Cell at Karur. On the other hand, the Government have constituted the District Administration, including the District Collector, the Office of the Superintendent of Police and even Medical College. However, only with respect to Vigilance cell, there was inaction.

8. We, therefore, issue a direction to the Vigilance Commissioner to constitute a Vigilance Cell in the District of Karur, taking into account the larger public interest. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order.

9. The Writ Petition is allowed as indicated above. No Costs.

Sd/-
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

- 1.The Chief Secretary/Vigilance Commissioner,
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5.The Director,
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Greenways Road, RA Puram,
Chennai - 28.

WEB COPY

+1cc to Special Government Pleader, SR.No. 78035

+1cc to M/S.T.Sundaravadanam, Advocate SR.No. 77978

ORDER MADE IN
W.P. (MD) No.1747 of 2016
08.09.2017

NB

JM/SV MMS/SAR 1/11.10.2017/4P/8C