

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.12.2018

CORAM:

THE HON'BLE MR.JUSTICE M.DHANDAPANI

W.P.No.20543 of 2018

Rani

.. Petitioner

Vs.

1. The Superintendent of Police,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road, Collector Nagar,
Alandur, Chennai 600 016.

2. The Deputy superintendent of Police,
Vigilance and Anti-Corruption,
No.92, Radhakrishna Salai, VGP Nagar,
East Sala Medu,
Villupuram Town District - 605401.

3. Elumalai

.. Respondents

PRAYER:Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 1st and 2nd respondents to take necessary action on the complaint dated 03.08.2018 and to stop the illegal action of the 3rd respondent from collecting the graft amount from the employees who are enrolled under the MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005 and other rural programmes at the earliest moment.

For Petitioner : Mr.B.Ramakrishnan

For Respondents (1 & 2): Mr.R.Ravichandran
Government Advocate (Crl.Side)

Mr.V.R.Appaswamy for R3

O R D E R

The petitioner has filed the writ petition in the nature of Writ of Mandamus directing the 1st and 2nd respondents

to take necessary action on the petitioner's complaint dated 03.08.2018 and consequently prevent the of 3rd respondent from collecting the graft amount from the employees who are enrolled under the MAHATMA GANDHI NATIONAL RURAL EMPLOYMENT GUARANTEE ACT, 2005 (MGNREGA).

2.The sum and substance of the complaint is to allot the village work under the different work code under the Mahatma Gandhi National Rural Employment Guarantee Act, 2005 and other rural developmental Programme, the 3rd respondent demanded bribe of Rs.350/- per head from the workers of MGNREGA and used to collect the bribe on every Wednesday from the workers of the scheme who participated during the week that came to an end so as to continue the employment by giving the work allotment for the following week for them and in case if they refused to pay the bribe so demanded, they would not be selected for the following week under the scheme for employment.

3.On 04.12.2018, this Court while entertaining the Writ Petition, issued a direction to the 2nd respondent to enquire the matter and file a report before this Court regarding the allegations made in the complaint dated 03.08.2018 filed by the petitioner.

4.As directed by this Court, the 2nd respondent conducted an enquiry and filed a report before this Court and the relevant portion of the enquiry has been extracted hereunder:

"It is humbly submitted that the enquiry revealed that it is true that the petitioner was engaged under the scheme between 02.08.2018 and 08.08.2018 and worked for 3 days and wages of Rs.615/- has been credited to her bank account. The witnesses whose names were mentioned by the petitioner and in addition to that, other workers engaged under the scheme were examined and their statements were recorded. Pertinent documents were collected to cross check the facts which the officials vouching. No one has vouched that they had paid the bribe of any quantum on 25.07.2018 as alleged by the petitioner to the 3rd respondent either under coercion or on the assurance for engagement under the scheme for the following days by 3rd respondent. Further the witnesses vouched whatever they paid directly to the machine operators seems to be projected as bribe by the petitioner but the allegation is not true. The team leaders alleged to have collected bribe money on behalf of 3rd

respondent totally denied the collection of such bribe and corroborated the version of other witnesses.

It is humbly submitted that it is further learnt that nowadays in the village employment under the scheme to the persons who are requesting for employment the work is allotted in a rotation basis as more number of workers seeking employment under the scheme at a time are available. In the case of Udayantangal Village, there are about 370 job cards are available under the scheme and a record number of 370 persons of the village concerned could be engaged under the scheme but in fact it is not feasible to engage all the family members simultaneously and hence a rotation of work for the job seekers from ward 1 to 3 at a time and during the next period workers of ward 4 to 6 were given opportunity. It is ascertained that in every week nearly 80 persons were given employment approximately under the scheme. Further 40 to 60 workers from the said list of job seekers could be engaged by the private individual persons for works such as Prime Minister's Awas Yojana (PMAY) Digging and Formation of Farm Ponds, Earth Bending i.e., construction of pile of earth on agriculture lands for which sanction granted by the competent administrative authorities. Hence there is no question of refusal of employment under the scheme. If any nepotism shown to any group of workers by 3rd respondent it would irk and result in absence of peace in the Village but in fact it is found that everyone is given employment under the scheme frequently as far as possible as per the records. On the other hand there is no possibility of engagement for work to everyone at every week under the scheme.

It is humbly submitted that on analyzing some records relevant to the period of employment extended under the scheme, the number of working days extended to the petitioner for the period between June and November, 2018 stood as 29 days and almost it is the average quantum of days i.e 32 days of employment extended to any other worker and if any larger period of work is allotted to any beneficiary it was given by private employers who actually selected the

workers from the enlisted labours as per choice. Hence the allegation of that 3rd respondent is extended employments under the scheme only to the workers who offered bribe as demanded by the 3rd respondent does not hold good."

3. In view of the above report it is seen that nothing survives for further adjudication. Accordingly, this writ petition is dismissed as infructuous. However, liberty is granted to the petitioner to work out the remedy in the manner known to law.

Sd/-

Deputy Registrar

//True Copy//

Sub Assistant Registrar

smn/kas

To

1. The Superintendent of Police,
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No.92, Radhakrishna Salai, VGP Nagar,
East Sala Medu,
Villupuram Town District - 605401

+1 cc to Mr.B.Ramakrishnan, Advocate Sr.No.85342

+1 cc to Mr.V.R.Appaswamee, Advocate Sr.No.83297

सत्यमेव जयते

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CSL/27.12.2018

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