

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.05.2018

CORAM :

THE HONOURABLE MR. JUSTICE P.RAJAMANICKAM

Cr1.O.P.No.13585 of 2018

Port and Dock Labour Union,
Reg. No.394/MDS,
Rep by its General Secretary,
Having Office at
No.1/675, 1st Street,
Muthamizh Nagar,
Chennai - 600 118. Petitioner

Vs.

1. The Commissioner of Police,
132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Pariamet, Chennai - 600 007.
2. The Deputy Commissioner of Police,
Flower Bazaar Police Station,
Flower Bazaar Chennai - 600 001.
3. The Inspector of Police (Crime),
B5, Harbour Police Station,
Chennai - 600 001. Respondents

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondent police to register FIR on the complaint dated 02.05.2018 lodged by the petitioner and investigate and take action on the complaint given by the petitioner within a stipulated time fixed by this Court.

For Petitioner : Ms.Subhalaxmi Samanta

For Respondents : Ms.Kritika Kamal P.

Government Advocate (Cr1. Side)

O R D E R

This petition has been filed by the General Secretary, Port and Dock Labour Union, to direct the respondents police to register a case based on the complaint given by the petitioner on 02.05.2018.

2. The learned counsel for the petitioner has submitted that one Dorairaj, who is now working as Deputy Chief Mechanical Engineer in Chennai Port Trust, has pursued MBA Degree on a full time basis during the Academic year 1985-1987 in the Madras University without getting proper permission from the management and thereby, the said Dorairaj has committed an offence of cheating. She further submitted that the departmental enquiry was conducted and awarded meager punishment by reducing Rs.1,500/- from his basic pay for the period of four months from 01.02.2018 to 31.05.2018. She further submitted that the said Dorairaj is going to retire on 31.05.2018 and hence the petitioner has lodged a complaint before the respondents on 02.05.2018 to register a case against the said Dorairaj, but so far no action has been taken.

3. The learned Government Advocate (Crl. Side) has submitted that the issue involved in this case is the matter pertaining to the employer and employee and for violation of service rules, already the management has awarded punishment by taking disciplinary action and hence the complaint is not maintainable.

4. The only allegation against the said Dorairaj is that he pursued MBA Degree on a full time basis, while he was in service, without getting permission from the Management. So it appears that the issue is between the employer and employee. Admittedly, the employer had initiated departmental enquiry and awarded punishment. The petitioner is in no way connected with the said issue and therefore, the petitioner cannot file a complaint to take action and to register a case against the employee of the Port Trust. Therefore, this petition is not maintainable and the same is dismissed.

Sd/-

Vacation Officer/

Assistant Registrar (AD-I)

//True Copy//

Sub Assistant Registrar

rts

To

1. The Commissioner of Police,
132, Commissioner Office Building,
EVK Sampath Road, Vepery,
Pariamet, Chennai - 600 007.

2. The Deputy Commissioner of Police,
Flower Bazaar Police Station,
Flower Bazaar Chennai - 600 001.

3. The Inspector of Police (Crime),
B5, Harbour Police Station,
Chennai - 600 001.

4. The Public Prosecutor
High Court, Chennai.

+lcc to Mr.SAMANTA AND STON, Advocate, S.R.No. 33740

Crl.O.P.No.13585 of 2018

GJ(CO)
GN(23/05/2018)



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