

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-04-2019

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THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.21900 of 2018

And

W.M.P.No.25696 of 2018

G.P.S.Jayakumar

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Petitioner

..Vs..

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Planning, Development and Special Initiatives
Department,
Secretariat,
Fort St. George,
Chennai-600 009.

2. The Additional Chief Secretary / Commissioner,
Department of Economics and Statistics,
DMS Campus,
Chennai-600 006.

3. Tmt.P.Senthamil Selvi

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Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the first respondent to take appropriate legal action against the third respondent for the serious misdemeanor committed by the third respondent by considering the representation submitted by the petitioner through Association dated 18.7.2018 and consequently direct the first respondent to take decision on the proposal forwarded by the second respondent in proceedings No.38703/E1/2017 dated 31.1.2018 as well as Official Committee Report.

For Petitioner : Mr.G.Sankaran

For Respondents-1&2: Mrs.P.Rajalakshmi,
Additional Government Pleader.

For Respondent-3 : Mr.L.Chandrakumar

O R D E R

The relief sought for in the present writ petition is for a direction to direct the first respondent to take appropriate legal action against the third respondent for the serious misdemeanor committed by the third respondent by considering the representation submitted by the petitioner through Association dated 18.7.2018 and consequently direct the first respondent to take decision on the proposal forwarded by the second respondent in proceedings No. 38703/E1/2017 dated 31.1.2018 as well as Official Committee Report.

2. The learned counsel for the writ petitioner states that the third respondent has committed certain serious irregularities. Therefore, appropriate actions are to be taken by the first respondent in respect of the irregularities committed.

3. The various facts and circumstances are narrated in the writ petition regarding the allegations set out against the third respondent.

4. This Court is of the considered opinion that such complex and disputed facts raised in the present writ petition, cannot be adjudicated in a writ proceeding and such adjudications are to be done by the competent authorities by verifying the original records and by adducing evidences, if required. Thus, the disputed facts are to be adjudicated by the competent authorities by producing documents. Therefore, this Court is not inclined to arrive at any finding in respect of such disputed facts.

5. It is brought to the notice of this Court that the third respondent attained the age of superannuation and retired from service on 31.3.2019.

6. The learned Additional Government Pleader, appearing on behalf of the respondents 1 and 2, states that the writ petitioner also committed certain irregularities and the counter-affidavit reveals that such allegations are raised against the writ petitioner in the writ petition. However, such allegations are disputed by the writ petitioner.

7. May that it be.

8. Now the allegations of both the writ petitioner as well as the third respondent are placed before this Court in this writ petition.

9. This being the factum, the first respondent has to

consider the materials available on record and initiate appropriate actions against all the officials concerned, including the writ petitioner as well as the third respondent, on merits and in accordance with law.

10. With the above observations, the writ petition stands disposed of. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

Svn

To

1. The Secretary to Government,
State of Tamil Nadu,
Planning, Development and Special Initiatives
Department, Secretariat,
Fort St. George, Chennai-600 009.
2. The Additional Chief Secretary / Commissioner,
Department of Economics and Statistics,
DMS Campus, Chennai-600 006.

+lcc to Mr.L.Chandrakumar, Advocate, S.R.No.40685

+lcc to Mr.G.Sankaran, Advocate, S.R.No.51587

+lcc to the Government Pleader, S.R.No.41312

सत्यमेव जयते

W.P.No.21900 of 2018

SKV(CO)

CS/17/06/2019

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