

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2019

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.30699 of 2019

M.Sundaramurthy

.. Petitioner

-vs-

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Secretariat, Chennai.

2.The Joint Director of Health Services,
Velapadi, Vellore District.

3.The Dean,
Government Medical College and Hospital,
Vellore District.

4.Vijayalakshmi,
W/o.Karunamoorthy,
Assistant, Office of the Joint Director,
Vellore.

.. Respondents

Petition under Article 226 of the Constitution of India
praying for issuance of Writ of Mandamus directing the 2nd
respondent to conduct an enquiry on the representation dated
15.07.2019 within a time frame.

For Petitioner :Mr.J.Jayendrakrishnan

For Respondents:Mr.A.N.Thabmidurai,
Special Government Pleader

O R D E R

The petitioner has filed this writ petition for a direction
to direct the 2nd respondent to conduct an enquiry on the
representation dated 15.07.2019 within a time frame.

2.The case of the petitioner is that the 4th respondent, who
is working as Assistant in the office of the 2nd respondent has
taken a sum of Rs.20,00,000/- from the petitioner for securing a

job in the Health Department for the petitioner's sister. The 4th respondent has taken the money from more than 10 persons in the same district by giving false hope and assurance to secure a Government Job and the said amount was not returned to the petitioner and other similarly placed persons. Hence, the petitioner made a complaint/ representation on 30.01.2019 explaining the entire facts. On receipt of the complaint, the Principal, 3rd respondent College has forwarded the same to the 2nd respondent, where the 4th respondent is working. Thereafter, the Principal, 3rd respondent College recommended for enquiry and had further directed the 2nd respondent to communicate the enquiry report. Once again on 23.03.2019, the 3rd respondent had forwarded the petitioner's complaint dated 30.01.2019 and had recommended to conduct enquiry.

3.The further case of the petitioner is that the 2nd respondent instead of initiating action against the 4th respondent, on 06.05.2019, addressed a letter to the 3rd respondent stating that during the relevant period, when the amount was received by the 4th respondent, she was working in the 3rd respondent office and hence, the 3rd respondent will be the competent authority to conduct enquiry. The respondents were shifting the burden. Hence, the petitioner approached the District Collector, Vellore, who thereafter directed the 2nd respondent to conduct an enquiry. Since no enquiry was conducted on the representation dated 15.07.2018, the petitioner is constrained to move the present writ petition.

4.The learned counsel for the petitioner would submit that the petitioner is not seeking any positive direction in his favour and seeks only for a direction to the 2nd respondent. Therefore, it would suffice if this Court issues direction to the 2nd respondent to conduct an enquiry on the representation dated 15.07.2019.

5.Mr.A.N.Thamidurai, learned Special Government Pleader would submit that the representation of the petitioner dated 15.07.2019 will be considered in accordance with law.

6.Though this Court is not inclined to issue any positive direction in favour of the writ petitioner, without going to the merits of the matter, directs the 2nd respondent to conduct an enquiry on the petitioner's representation dated 15.07.2019, and pass appropriate orders on merits, after affording opportunity to the 4th respondent.

7.With the above direction, this writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

abr

To

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St. George, Secretariat, Chennai.

2.The Joint Director of Health Services,
Velapadi, Vellore District.

3.The Dean,
Government Medical College and Hospital,
Vellore District.

+1cc to Mr.J.Jayendrakrishnan, Advocate Sr.95679
+1cc to the Government Pleader Sr.96593

W.P.No.30699 of 2019

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srg 08/01/2020

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