

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2019

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P. No. 30612 of 2019

R. Vembu

... Petitioner

Vs.

1. The District Collector,
Ariyalur District.
2. The Revenue Divisional Officer,
Ariyalur Taluk, Ariyalur District.
3. The Tahsildar,
Ariyalur Taluk, Ariyalur District.

4. Thirunavukkarasu

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the First to Third Respondents to take appropriate departmental action against the Fourth Respondent as per Rule 54B of Fundamental Rules and Rule 17(e) of TN Civil Services (Discipline and Appeal Rules) in connection with Criminal Proceedings in Crime No. 190 of 2018 and Crime No. 97 of 2019 on the file of the Thirumanur Police Station by considering the Petitioner's representation to the First to Third Respondents dated 30.07.2019.

For Petitioner : Mr. R. Prabakar

For Respondents : Mrs. R. Janaki

Additional Government Pleader

ORDER

This writ petition has been filed by the Petitioner, praying for the issuance of a Writ of Mandamus, to direct the First to Third Respondents to take appropriate departmental action against the Fourth Respondent as per Rule 54B of Fundamental Rules and Rule 17(e) of TN Civil Services (Discipline and Appeal Rules) in connection with Criminal Proceedings in Crime No. 190 of 2018 and Crime No. 97 of 2019 on the file of the Thirumanur Police Station by considering the Petitioner's representation to the First to Third Respondents dated 30.07.2019.

2. Heard the learned counsel appearing for the Petitioner and the learned Additional Government Pleader appearing for the Respondents.

3. The case of the Petitioner is that the Petitioner is present in the residence of the Kawai Annanagar, Keelkavattangkurichi Post, Thirumanur Via, Ariyalur Taluk, Ariyalur District along with her family and her daughter studying 12th Standard and the Fourth Respondent is working as Village Administrative Officer in Nagamangalam Village, Ariyalur District is also a local resident. On 22.07.2019, the Fourth Respondent used to pass comments, making gestures and signs and also uttered vulgar words to the Petitioner's daughter and the Petitioner's younger son has informed the Fourth Respondent's behaviour to his brother Elavarasu and also asked to warn him.

4. Pursuant to the warning of the Petitioner's son, misbehaviour of the Fourth Respondent was continuing and the Fourth Respondent formed a gang along with his brother and some of his relatives and attacked the Petitioner's husband and other family members with deadly weapons and threatened the family members with dire consequences. Thereafter, the Petitioner made two complaints against the Fourth Respondent in Crime No. 190 of 2018 under Sections 141, 148, 447, 457, 379 of IPC and Section 3(1) of Prevention of Damage to Public Property Act, 1984 on 20.07.2018 and another in Crime No. 97 of 2019 under Sections 147, 148, 294(b), 448, 324, 506(2) of IPC, Section 3(1) of Prevention of Damage to Public Property Act, 1984 and 4 of TN Prohibition of Harassment of Women Act, 2002 on 23.07.2019. Thereafter the Petitioner made a representation on 30.07.2019 to the First to Third Respondents for taking departmental action against the Fourth Respondent (Village Administrative Officer). Since no action was taken, the present writ petition has been filed.

5. The learned counsel for the Petitioner would submit that, two FIRs have been registered against the Fourth Respondent. Since he was indulged in Committal of various offences on the complaint lodged by the Petitioner before the Thirumanur Police Station and though the Petitioner made a representation on 30.07.2019 to the First to Third Respondents to take departmental proceedings against the Fourth Respondent who is an Government Employee working as Village Administrative Officer, but the Respondents have not taken any action and no disciplinary proceedings while initiated against the Fourth Respondent by invoking Rule 54(b) of Fundamental Rules and 17(e) of the TNCD (Tamil Nadu Civil Services(Discipline and Appeal) Rules. Therefore, the learned counsel would implore this Court to give appropriate direction to the First to Third Respondents to initiate disciplinary proceedings in accordance

with law against the Fourth Respondent.

6. The learned Additional Government Pleader appearing for the Respondents would submit that further alleged offences committed by the Fourth Respondent already two criminal cases have been registered and investigation is pending and after conclusion of the investigation a final report would be filed before the concerned Judicial Magistrate, and as regards representation submitted by the Petitioner, he would submitted that if any direction is given, the same would be complied with by the Respondents by disposing of the representation in accordance with law.

7. It appears that the Fourth Respondent who is working as VAO misbehaved with the daughter of the Petitioner namely Sathya Priya and also alleged to attack the family of the Petitioner by trespassing in to the property of the Petitioner along with his men with deadly weapons and the Petitioner has lodged complaints before the Thirumanur Police Station and based on the same, two criminal cases have been registered against him and others for the various offences and the investigation is still pending. While that be so, it appears that the Petitioner made representation dated 30.07.2019 to the First to Third Respondents, requesting them to initiate disciplinary proceedings against the Fourth Respondent in accordance with service rules. The grievance of the Petitioner is that, no action has been taken despite the representation made by the Petitioner.

8. Considering the facts and circumstances and the submissions made by the learned counsel for the Petitioner and the representation made by the Petitioner is still pending, the First to Third Respondents are directed to consider the representation dated 30.07.2019 made by the Petitioner and dispose of the same by passing appropriate orders therein in accordance with law and on merits after affording opportunity to the Fourth Respondent within a period of twelve weeks from the date of receipt of a copy of this order.

9. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar

//True copy//

Sub Assistant Registrar

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To

1. The District Collector,
Ariyalur District.
2. The Revenue Divisional Officer,
Ariyalur Taluk, Ariyalur District.
3. The Tahsildar,
Ariyalur Taluk, Ariyalur District.

+1cc to Mr.R. Prabakar, Advocate SR.No.91601

+4cc to Mr.R. Prabakar, Advocate SR.No.91601 (11/12/2019)

W.P. No. 30612 of 2019

SPD (CO)

GMV (10/12/2019)



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