



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.04.2019

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. (MD) No.5554 of 2019

WEB COPY

D.Swaminathan

.. Petitioner

Vs.

1.The Director,
Directorate of Vigilance Commission,
Kreenwase Salai, Adaiyar, Chennai.

2.The Secretary,
Vigilance Commission,
Secretariat, Chennai.

3.The Secretary to the Government,
Rural Development and Panchayat Raj
Department, Secretariat,
Chennai-9.

4.N.Elangovan

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the first respondent to consider the petitioner's representation dated 19.03.2016 and implement the communication sent by the second respondent proceedings Letter No.1631/VC-I/2016-1, dated 25.04.2016 to the third respondent and consequently to take necessary action against the 4th respondent.

For Petitioner : Mr.K.Mahendran

For R-1 to R-3 : Mr.K.K.Ramakrishnan
Additional Public Prosecutor

ORDER

The prayer in this Writ Petition is for issuance of a Writ of Mandamus, directing the first respondent to consider his representation dated 19.03.2016 and implement the communication sent by the second respondent in his proceedings in Letter No.1631/VC-I/2016-1, dated 25.04.2016 to the third respondent and consequently take necessary action against the 4th respondent.

2.The case of the petitioner is that the petitioner is a practicing advocate and he sent a representation on 19.03.2016 to the first respondent to take action against the fourth respondent on the allegation against the public servant relating to the act made in an official capacity with regard to alleged misuse of his



official position and corrupt activities and accumulation of amazed wealth. After the receipt of the complaint, the first respondent forwarded the same to the 2nd respondent by his proceedings in Letter No.1631/VC-1/2016-1, dated 25.04.2016. The second respondent after receipt of the same, directed the third respondent to furnish the particulars to the second respondent. However, till date no action has been taken against the fourth respondent.

3.The learned counsel appearing for the petitioner would submit that his representation has not been considered and till date no action has been taken against the fourth respondent.

4.The learned Additional Public Prosecutor appearing for the State would submit that the first respondent after receiving the complaint from the petitioner on 19.03.2019 forwarded the same to the second respondent and directed them to call for remarks. He would also submit that in respect of which, the second respondent has passed G.O.(Ms) No.10 of Personnel and Administrative Reforms (N) Department, dated 02.02.2016, in respect of the complaint received against the public servant. He would further submit that the Hon'ble Division Bench of this Court in W.P.No.10624 of 2015, dated 01.07.2016, quashed paragraph No.4 of G.O.(MS) No.10, Personnel and Administrative Reforms (N) Department, dated 02.02.2016, wherein the Directorate of Vigilance and Anti-Corruption was directed to forward the complaints to the Vigilance Commission and the Vigilance Commission shall seek and consider the remarks of the Government before ordering an appropriate enquiry by the Directorate Vigilance Anti-Corruption. However, the third respondent shall forward the files to the first respondent within a period of two weeks.

5.Considering the above said submission, the third respondent shall forward the files to the first respondent within a period of two weeks from the date of receipt of a copy of this order and the first respondent shall consider the petitioner's complaint and pass appropriate orders within a period twelve weeks thereafter.

6.Accordingly, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar(CS)



To

1.The Director,
Directorate of Vigilance Commission,
Kreenwase Salai, Adaiyar, Chennai.

2.The Secretary,
Vigilance Commission,
Secretariat, Chennai.

3.The Secretary to the Government,
Rural Development and Panchayat Raj
Department, Secretariat,
Chennai-9.

4.The Additional Public Prosecutor
Madurai Bench of Madras High Court,
Madurai

+1 CC to M/s.K.MAHENDRAN, Advocate (SR-59836[F] dated
09/04/2019)

sjj

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