



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **06.02.2020**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.1884 of 2020

S.Kaluwan

... Petitioner

/vs./

- 1.The State of Tamil Nadu,
Rep. by its Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Secretariat, Chennai-600 009.
- 2.The Director,
The Directorate of Public Health and Preventive Medicing,
No.64/75, Main Road,
D.M.S.Compound,
Chockalingam Nagar,
Teynampet, Chennai-600 006.
- 3.The Deputy Director,
Medical & Rural Health Services and Family Welfare,
Viswanathapuram, Madurai-14.
- 4.The Joint Director,
Department of Health Services,
Medical & Rural Health Services and Family Welfare,
Viswanathapuram,
Madurai-14.
- 5.The Inspector of Police,
District Crime Branch,
Madurai, Madurai District.
- 6.Tmt.Pandiyammal ... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, to direct the respondents 2 to 4 herein to consider and pass appropriate orders on the representation of the petitioner dated 04.12.2019 sent by the petitioner for taking into consideration of the registration of the criminal case registered based on the petitioner complaint by the fifth respondent herein against the sixth respondent herein



in Cr.No.37 of 2019 dated 03.12.2019 to initiate appropriate Disciplinary/Departmental Proceedings as contemplated under the Tamil Nadu Government Servants (Discipline and Appeal) Rules thereon.

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For Petitioner

:

Mr.A.Saravanan

For R-1 to R-5

:

Mr.M.Jeyakumar
Additional Government Pleader.

ORDER

The petitioner herein is aggrieved against an occurrence wherein he alleges that the sixth respondent had cheated him having received some money for obtaining a Government Job. The sixth respondent herein is employed as a Staff Nurse with the third respondent. Based on the complaint given by the petitioner herein, a criminal case came to be registered in Crime No.37 of 2019 against the sixth respondent under Sections 120(b), 406, 420 and 506(i) of IPC and the investigation is pending. Not being satisfied with the registration of the criminal case, the petitioner has filed this writ petition seeking for departmental action against the sixth respondent herein, for which purpose, he has also made a representation before the concerned authority.

2.It is admitted that the occurrence involved in the criminal case was not during the course of sixth respondent's discharge of his official duty, but on certain occurrence which alleges to have taken personally between the petitioner and the sixth respondent. Apparently, the petitioner seeks to take revenge against the sixth respondent by causing interference to his service also. When the criminal case has been registered against the sixth respondent and the same is pending, this Court is of the view that the petitioner would not have any locus to seek for the prayer sought for in the present writ petition.

3.It is no doubt true that the pendency of the criminal case may entitle the department to initiate departmental action against the Government Employee. However, such an initiation need not be on the basis of an order to be passed in the writ petition and at the instance of the complainant, for an occurrence which had taken place outside the course of the employment and not arising out of discharge of duty of the Government employee. The decision to initiate action in view of the pendency of the criminal case against the sixth respondent would be entirely at the discretion of the authority and as such, this Court may not be justified in issuing a mandamus for consideration of the representation made by the petitioner seeking for initiation of the departmental action.



As such, I do not find any merits in the present writ petition.
This Writ Petition is dismissed accordingly. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CS-II)

/ /2020

Sub Assistant Registrar(CS)

cp

To

- 1.The Secretary to Government,
The State of Tamil Nadu,
Health and Family Welfare Department,
Fort St.George, Secretariat, Chennai-600 009.
- 2.The Director,
The Directorate of Public Health and Preventive Medicing,
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- 4.The Joint Director,
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Medical & Rural Health Services and Family Welfare,
Viswanathapuram,
Madurai-14.
- 5.The Inspector of Police,
District Crime Branch,
Madurai, Madurai District.

+1 CC to SPL GP (SR-5391[F] dated 10/02/2020)

Order made in

W.P.(MD)No.1884 of 2020

06.02.2020

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