

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.04.2021

C O R A M

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

Writ Petition No.885 of 2021

R.Chandramohan

... Petitioner

//vs//

1. Union of India,
Rep by Chief Secretary to Government,
Home Department,
Chief Secretariat,
Puducherry - 605 001.
2. The Director General of Police,
Puducherry - 605 001.
3. The Inspector of Police,
CBCID, Puducherry - 605 001.
4. The Inspector of Police,
D-Nagar Police Station,
Gorimedu,
Puducherry-605 009.

5. B.Ramakrishnan @ Balagandhi

...Respondents

Prayer Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus, directing the respondents 2 to 4 to implement the order dated 23.07.2018 in Complaint No.102/PCA/2018.

For Petitioner ... Mr.M.Gnanasekar

For Respondents ... Mr.A.V.Ramalingam,
1 to 4 AGP (Pondy)

O R D E R

The petitioner has filed this Writ Petition seeking to issue a Writ of Mandamus to implement the order dated 23.07.2018 in

Complaint No.102/PCA/2018 passed by the Police Complaints Authority, Pondicherry.

2. It is the case of the petitioner that while he was working as Depot Manager in Pondicherry Agro Service and Industries Corporation Limited, the recoveries made from his salary were not paid into the loan accounts in the Urban Bank, Puducherry and Andhra Bank, Puducherry and also recoveries effected were not deposited in the EPF Account. Therefore, the petitioner has given a complaint to the fourth respondent on 14.01.2012 against the fifth respondent regarding misappropriation and non-deposit of amount deducted from his salary. Subsequently, he has filed CrI.O.P.No.7544 of 2012 before this Court seeking appropriate direction to register a case based on his complaint dated 14.01.2012, which was disposed on 16.08.2012 directing the respondents to enquire into the matter. Thereafter, an order dated 23.07.2018 has been passed by the Police Complaints Authority, Pondicherry in Complaint No.102/PCA/2018, which reads as follows:-

"..We direct the DGP to order CID Pondicherry to take up this matter and probe into it as per Cr.P.C and report compliance within the period of three months from the date of receipt of this order."

3. The learned counsel for the petitioner would submit that though the said order was passed in the year 2018, the same is not implemented. Therefore, the petitioner has approached this Court for issuance of a Writ of Mandamus.

4. The third respondent has filed a counter affidavit on behalf of the respondents 1 to 4, in which, it has been stated in paragraph 7 as follows:

"7. I respectfully submit that accordingly the third respondent took up the investigation in compliance of the directions of the police complaints Authority and after inquiry and considering the matter in accordance with the directions of the Police Complaints Authority, the third respondent also found that the complaint does not disclose any cognizable offence and hence, by report dated 09.02.2021 intimated the Police Complaints Authority about the compliance and the complainant has also been intimated about the complaint being closed as mistake of fact on 17.02.2021 and the complainant has received the same."

5. As already the order dated 23.07.2018 has been implemented, no relief can be granted to the petitioner.

6. Since the relief sought for in this Writ Petition has become infructuous, this Writ Petition is dismissed. No costs.

Sd/-
Assistant Registrar(IX)

//True Copy//

Sub Assistant Registrar

srn

To

1. The Chief Secretary to Government,
Union of India,
Home Department,
Chief Secretariat,
Puducherry - 605 001.

2. The Director General of Police,
Puducherry - 605 001.

3. The Inspector of Police,
CBCID, Puducherry - 605 001.

4. The Inspector of Police,
D-Nagar Police Station,
Gorimedu,
Puducherry-605 009.

+1 cc to The Government Pleader Sr.No. 22024

Writ Petition No.885 of 2021

PMK (CO)
RMP (30/04/2021)

सत्यमेव जयते

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