

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.02.2021

CORAM :

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.3208 of 2021

C.Selvakumar

... Petitioner

Vs

1. The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.
2. The Commissioner of Police,
Greater Chennai Police,
132, EVK Sampath Road,
Vepery, Chennai - 600 007.
3. The Deputy Commissioner of Police,
St. Thomas Mount Police District,
St.Thoms Mount, Chennai - 89.
4. The Assistant Commissioner of Police,
Selaiyur Range,
St.Thomas Mount Police District,
Velachery - Tambaram Road, Chennai - 73.
5. Y.Srinivasan,
6. The Sub Inspector of Police,
S-15, Selaiyur Police station,
Greater Chennai Police, Chennai - 73.
7. K.S.Srinivasan
8. S.Vijayakumar
9. Abdul Gafoor.
- 10.Alhaj.S.M.Yousuf
- 11.Mohamed Sathak

.... Respondents

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus, directing the 2nd respondent to take necessary departmental action as against the 5th respondent for having willfully derelict discharging his duty based on the petitioner's first petition, dated 01.01.2021 and the petitioner's fresh representation dated 22.01.2021 submitted before the respondents 1 to 4 to take departmental action as against the 5th respondent and in turn the 2nd respondent directing the 4th respondent to take appropriate action as against the respondents no.7 to 11 on the petitioner's petition in the form of complaint, dated 14.12.2020 made to the 5th respondent.

For Petitioner : Mr.K.Kannan

For Respondents : Mr.J.Pothiraj,
Special Government Pleader

O R D E R

This writ petition has been filed, seeking a direction to the 2nd respondent to take necessary departmental action against the 5th respondent for his dereliction in discharging his duty based on the petitioner's first petition, dated 01.01.2021 and the petitioner's fresh representation dated 22.01.2021 submitted before the respondents 1 to 4 to take departmental action as against the 5th respondent and in turn the 2nd respondent directing the 4th respondent to take appropriate action as against the respondents No.7 to 11 on the petitioner's petition in the form of complaint, dated 14.12.2020 made to the 5th respondent.

2. Mr.J.Pothiraj, learned Government Advocate takes notice for respondents. By consent of both sides, final orders are passed in the writ petition at the admission stage itself.

3. The case of the petitioner is that the wife of the petitioner, who was working an Assistant Professor in the College, run by the 10th respondent Trust, attempted to commit suicide due to the harassment of respondents 7 to 11. She also made a representation before the SP, Anna University and AICTE, on 12.10.2020 in the form of complaint, which has not been considered. Though the 5th respondent knew about the untoward incidents since 12.10.2020, he failed to register an FIR for a cognizable offence as per Section 154 (1) Cr.P.C. According to the petitioner, if the 5th respondent would have performed his duties in a perfect manner, the petitioner's family would not

have been forced to come to this stage. Hence, the petitioner filed a writ petition in W.P.No.773 of 2021 on earlier occasion, seeking a direction to the 2nd respondent to take departmental action against the 5th respondent for wanton dereliction of his duty. This Court, by an order dated 22.01.2021, dismissed the writ petition on the ground that there is no whisper about the departmental action to be taken against the 5th respondent. Hence, the petitioner has come up with the present writ petition with the aforesaid relief.

4. On a perusal of records, it is seen that due to the atrocities committed by the respondents 7 to 11, the petitioner's wife attempted to commit suicide and there is a violation of prevention of SC and ST Act. It is true that this Court can direct for initiation of departmental action against an employee, provided the charges or allegations made therein are true and there is a prima facie case in favour of the complainant. This Court cannot blindly issue such a direction purely on the basis of the complaint of the petitioner in a biased manner.

5. It is appropriate to state here that in case the petitioner, who is an employee of the College, was forced to commit suicide on account of the atrocities meted out at the hands of either co-employees or other persons, both Criminal action and Departmental proceedings can be proceeded against the persons involved simultaneously.

6. In the present case on hand, unless or otherwise the allegations are duly established by the petitioner, the same cannot be gone into at this stage. It is needless to state that it is open to the respondents to take departmental action against the persons, involved in this issue and the petitioner cannot, as a matter of right, demand initiation of departmental action against the 5th respondent. Hence, I am not inclined to grant the prayer sought for by the petitioner.

7. Accordingly, the Writ Petition is dismissed accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

vum

To:

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5. The Sub Inspector of Police,
S-15, Selaiyur Police station,
Greater Chennai Police, Chennai - 73.

+1cc to Mr.K. Kannan, Advocate, S.R.No.9274
+1cc to the Government Pleader, S.R.No.9521

GMI (CO)
SM/10/03/2021 (IT)

W.P.No.3208 of 2021

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