

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.33302 of 2014
and W.M.P.No.16743 of 2016

D.Ravichandran

...Petitioner

Vs

1. State of Tamil Nadu
rep. by the Inspector of Police
Crime Investigation Department,
(Food Cell),
Crime Investigation Section,
Patravakkam,
Chennai- 600 053.

2.Senior Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Kilpauk, Chennai - 600 101.

...Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the 1st respondent to take action and pass necessary order on the letter sent by the 2nd respondent to the 1st respondent in Na.Ka.No.U5/11755/2012 dated 21.08.2012 with regard to discharge the petitioner from the criminal case initiated by the 1st respondent for which the petitioner has made a representation dated 12.11.2014 to the 1st respondent.

For Petitioner : Mr.R.Malaichamy
For Respondents : Mr.R.Selvam, GA for R1
Mr.L.P.Shanmugasundaram, SGP
for R2

ORDER

According to the petitioner, while he was working as Bill Clerk, Corporation Retail Shop DAO-10, at Arumbakkam, Chennai, the second respondent made a complaint against him for the alleged loss caused to the Corporation to the tune of Rs.38,777/-. Subsequently, departmental enquiry was initiated against him, which ended in punishment of stoppage of increment for five years with cumulative effect by order dated 03.05.2012

passed by the second respondent, which was challenged by the petitioner by filing an appeal and the same is pending. Stating that the criminal action would lie, if the alleged loss exceeds Rs.10,000/-, the petitioner made a representation dated 30.07.2012 to the second respondent requesting to take action to discharge him from criminal case initiated through the first respondent. The said request was recommended by the second respondent by letter dated 21.08.2012 addressed to the first respondent. However, no steps have been taken by the first respondent. Hence, the petitioner sent a representation dated 12.11.2014 to the first respondent, which was also not considered. Therefore, the petitioner has filed the present writ petition seeking a direction to the first respondent to take action and pass necessary orders, on the letter sent by the 2nd respondent to the 1st respondent in Na.Ka.No.U5/11755/2012 dated 21.08.2012 with regard to discharge him from the criminal case by considering the petitioner's representation dated 12.11.2014.

2.Heard both sides and perused the materials placed before this Court.

3.Considering the limited relief sought for herein, this Court, without going into the merits of the case, directs the first respondent to to consider the representation dated 12.11.2014 submitted by the petitioner, if not already considered and pass appropriate orders, on merits and in accordance with law and also in the light of the letter dated 21.08.2012 sent by the second respondent, within a period of six weeks from the date of receipt of a copy of this order.

4.Accordingly, the writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

msv

To

1. The Inspector of Police
Crime Investigation Department,
(Food Cell),
Crime Investigation Section,
Patravakkam, Chennai- 600 053.

WEB COPY

2.Senior Managing Director,
Tamil Nadu Civil Supplies Corporation,
Head Office,
Kilpauk, Chennai - 600 101

+1 CC to Mr.R. Malaichamy, Advocate sr 2792.
+1 CC to The Government Pleader sr 3065.
+1 Cc to The Special Government Pleader sr 3232.

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and W.M.P.No.16743 of 2016

BR(CO)
SP(29/06/2021)



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