

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.02.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.26109 of 2014

A.Venkatachalam

... Petitioner

Vs

1. The Director General,
Highways Department,
Chepauk,
Chennai - 600 005.
2. Kannan
Junior Draughting Officer,
Office of the Superintending Engineer, Highways,
Thirunelveli
3. Saravanamuthu
Junior Draughting Officer,
Office of the Superintending Engineer, Highways,
Thirunelveli.
4. Arumugam
Assistant,
Office of the Divisional Engineer, National Highways,
Thirunelveli.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to initiate appropriate action against the Respondents 2 to 4 under the (i) the Tamil Nadu Civil Service (Discipline and Appeal) Rules 17(e) and (ii) the Tamil Nadu Government Employees' conduct Rules 1973 within the stipulated time fixed by this Hon'ble Court.

For Petitioner : Mr.M.Sathybal
For R1 : Mr.J.Ramesh, AGP
For R3 : Mr.E.Vijay Anand
For R4 : Mr.V.R.Appaswamee

ORDER

The prayer made in this Writ Petition is to direct the first respondent to initiate appropriate action against the Respondents 2 to 4 under the provisions of the Tamil Nadu Civil

Service (Discipline and Appeal) Rules and the Tamil Nadu Government Employees' Conduct Rules 1973 within a stipulated time to be fixed by this Court.

2. The learned counsel for the petitioner submitted that the petitioner lodged a police complaint on 23.02.2014 to the Palayamkottai Police Station alleging that the respondents 2 to 4, who are working in the Tamil Nadu Highways Department, threatened him not to proceed with the Dharna in connection with the execution of work relating to Tiruchendur-Sengottai Road, in substandard manner and the said complaint was registered as FIR in Crime No.113 of 2014 for the offences punishable under Sections 294(b) and 506 (1) IPC. However, no departmental proceedings under the relevant provisions of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and the Tamil Nadu Government Employees Conduct Rules, was initiated against them. In this regard, the petitioner submitted a representation dated 17.06.2014 to the first respondent. Finding no response on the same, he has come up with this writ petition for the aforesaid relief.

3. On the other hand, the learned counsel appearing for the respondents 3 and 4 denied the allegations levelled by the petitioner against the respondents 2 to 4. They further submitted that the respondents 2 to 4 obtained anticipatory bail in the said criminal case lodged against them, by order dated 10.04.2014 passed by the learned Principal Sessions Judge, Tirunelveli in CrI.MP.Nos.1847, 1848 and 1849 of 2014. Thus, no departmental proceedings warrants against those respondents, according to the learned counsel.

4. Irrespective of the submissions made by the learned counsel appearing for the parties, which require a detailed enquiry, this Court, without going into the merits of the case, directs the first respondent to consider the representation of the petitioner dated 17.06.2014, if not already considered and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks (8) weeks from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

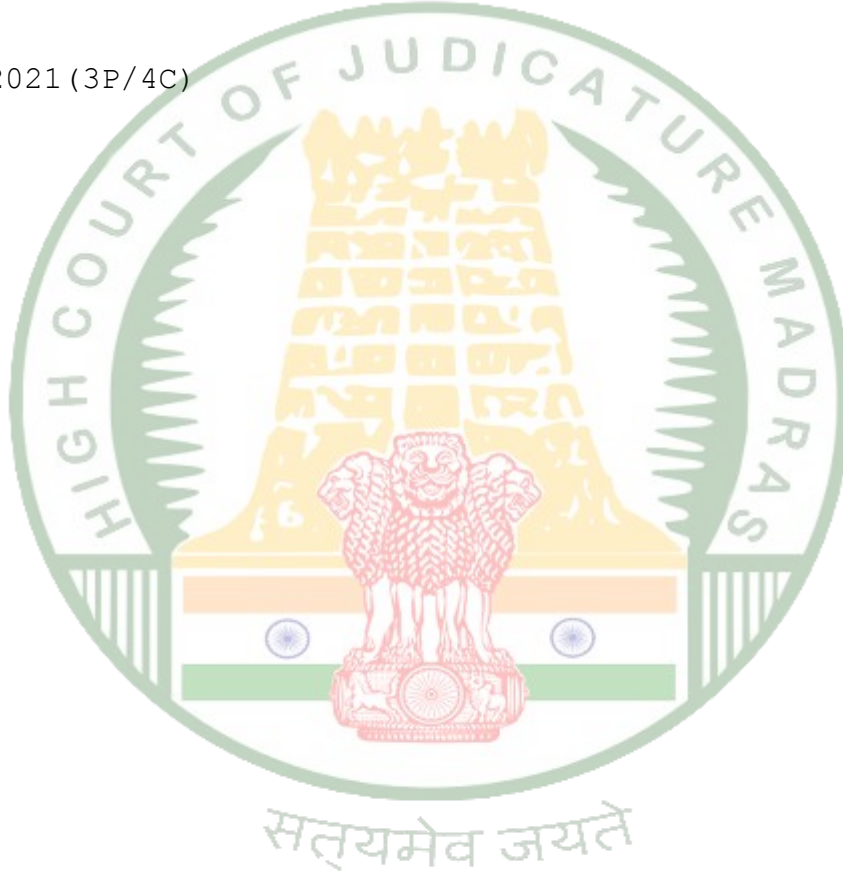
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To
The Director General,
Highways Department,
Chepauk,
Chennai - 600 005.

+1 cc to M/s.V.R.Appaswamee, Advocate SR No.6343
+1 cc to Government Pleader Sr No.6548

W.P.No.26109 of 2014
04.02.2021

PMK(CO)
RG.28.04.2021(3P/4C)



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