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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.11.2021

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.No.24421 of 2021

K.Kothandan

.. Petitioner

Vs

1. The Principal Secretary,
Transport Department,
Secretariat,
Chennai - 600 009.

2. The Managing Director,
Metro Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

.. Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the 1st respondent to reopen the enquiry proceedings as per the order made on 17.09.2019 and conduct fresh enquiry in respect of the petitioner complaint dated 15.02.2019

For Petitioner : Mr.D.Bharathy

For Respondents : Mr.G.Krishna Raja,
Addl.Govt.Pleader for R1

Mr.K.Moorthy
Standing Counsel for R2

O R D E R

This Writ Petition has been filed to issue a Writ of Mandamus to direct the 1st respondent to reopen the enquiry proceedings as per the order made on 17.09.2019 and conduct fresh enquiry in respect of the petitioner's complaint dated 15.02.2019



2. The case of the petitioner is that he joined the 2nd respondent Corporation as a conductor in 1987 and retired from service in May, 2016. The petitioner claims that he belongs to schedule caste community. According to him, he had been facing extreme harassment at the hands of the officials for being a member of the scheduled caste community. He claims to have been a victim of high-handed approach of the officials of the Corporation and therefore, he appeared to have made a complaint before the 1st respondent on 15.02.2019 seeking to initiate proceedings against the officials of the 2nd respondent Corporation for committing atrocities on him. He also appeared to have submitted a representation to the SC/ST Commission.

3. The petitioner submitted yet another representation on 23.09.2019 to initiate action against the persons responsible for the act against his interest merely because of the fact that he belongs to scheduled caste community. At this, a communication was sent and received by him on 03.03.2020 informing him of the conduct of the enquiry. As per the findings of the enquiry, there was no truth in the allegation and therefore, the complaint was stated to be closed. As against that, the present writ petition has been filed with a prayer for issue of writ of mandamus to reopen the enquiry proceedings and conduct fresh enquiry in respect of his complaint dated 15.02.2019.

4. This Court is unable to appreciate the prayer in the writ petition for the simple reason that the respondents had responded to the complaints filed by the petitioner herein and appeared to have held an enquiry. In the enquiry, it was found that there was no sufficient proof and therefore, a decision was taken to close the complaint. When in the enquiry, it was found that there was no evidence of atrocity, the question of directing the respondent once again to conduct enquiry, does not arise.

5. Moreover, this Court finds that the so called allegations of atrocity have been raised without any supportive materials and the allegations of atrocity are very general in nature without any specific details. From the tenor of the averments, this Court can reasonably infer that the petitioner is some-what suffering from persecution complex and appeared to be annoyed and agitated against the officialdom. This Court also does not see any specific cause of action for entertaining the writ petition and certainly, it is not proper for this Court to order re-enquiry in the matter, considering the sketchy nature of averments in the writ petition.



6. For the aforesaid reasons, the Writ Petition stands dismissed at the admission stage itself. No costs.

Sd/-

Assistant Registrar(CS-IX)

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// True Copy //

Sub Assistant Registrar

vsi

To

1. The Principal Secretary,
Transport Department,
Secretariat,
Chennai - 600 009.
2. The Managing Director,
Metro Transport Corporation,
Pallavan Salai,
Chennai - 600 002.

+1cc to the Government Pleader, SR.No.59440

W.P.No.24421 of 2021

PL(CO)
CB(03/12/2021)