



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Date of Reserving the Order	Date of Pronouncing the Order
21.04.2021	30.04.2021

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

and

THE HONOURABLE MRS.JUSTICE S.ANANTHI

W.P. (MD) No.14870 of 2019

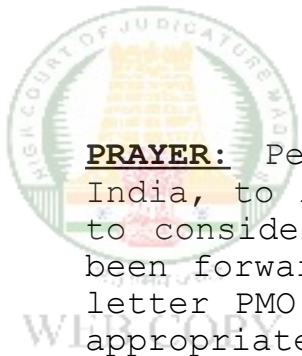
L.Arputharaj

... Petitioner

-vs-

- 1.The Secretary
Ministry of Railways
Rail Bhavan
1, Raisina Road
New Delhi-110 001
- 2.The Chairman
Railway Board, Rail Bhavan
1, Raisina Road
New Delhi-110 001
- 3.The Central Vigilance Commissioner
Central Vigilance Commission
Satarkta Bhavan, G.P.O.Complex-Block "A"
I.N.A., New Delhi-110 023
- 4.The Chief Vigilance Officer
Vigilance Department
Southern Railway
CAO/Construction Complex
E.V.R.Periyar Road, Egmore
Chennai-600 008
- 5.The Chief Works Manager
Golden Rock Workshop
Southern Railway
Golden Park, Trichy

... Respondents



PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 4 to consider the petitioner's complaint dated 16.03.2018, which has been forwarded by the Prime Minister's Officer, New Delhi, in their letter PMO ID No.PMOPG/D/2018/0115928, dated 27.03.2018 and to take appropriate action against the 5th respondent and other concerned officers of the Golden Rock Workshop, Trichy, for the irregularities and offences committed by him in accordance with law, within a time limit to be prescribed by this Court.

For Petitioner : Mr.R.M.Makesh Kumaravel

For Respondents : Mr.Karthikeya Venkitachalapathy
Central Government Standing Counsel for R1 to R3
Mr.S.Manohar for R4

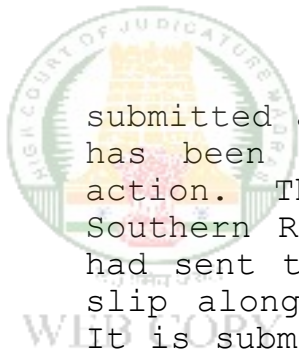
O R D E R

T.S.SIVAGNANAM, J.

This writ petition styled as a public interest litigation filed by an employee in the Golden Rock Workshop of Southern Railways seeks for a direction upon the respondents 1 to 4 to consider his complaint dated 16.03.2018 and take appropriate action against the fifth respondent and other concerned officers of the Golden Rock Workshop, Trichy, for the irregularities and offences committed by them.

2. The petitioner would state that the Golden Rock Workshop at Trichy was established for the manufacture of railway wagons for the Indian Railways and also empowers them to undertake work for outside parties in terms of the Indian Railways Mechanical Code and the Chief Works Manager / fifth respondent has undertaken various works for private parties, which has lead to corruption and loss running to several crores of rupees. The petitioner refers to certain contracts, which were taken by the said Workshop and submits that there are many irregularities committed at the Golden Rock Workshop and the petitioner filed a complaint to the Central Bureau of Investigation (CBI) on 04.01.2007 seeking for a broad based enquiry. Since CBI did not take any action, the petitioner filed Crl.O.P.(MD) No.1708 of 2017 praying for a direction to CBI to investigate his complaint. The said criminal original petition was disposed of by order dated 16.08.2007 leaving it open to the petitioner to seek remedy in the manner known to law.

3. The petitioner would further state that he has collected several details with regard to various irregularities and malpractices committed in the fifth respondent - Workshop and



submitted a complaint to the Prime Minister's Office, which in turn has been forwarded to the Railway Board for taking appropriate action. The fourth respondent, namely, the Chief Vigilance Officer, Southern Railways, had called the petitioner to confirm whether he had sent the complaint and the petitioner has given a confirmation slip along with documents to the fourth respondent on 23.06.2018. It is submitted that till date no action was taken on the complaint given by the petitioner and therefore, the petitioner has filed this writ petition praying for a direction to the respondents 1 to 4 to consider the complaint and take action on the alleged irregularities and illegalities in the fifth respondent - Workshop.

4. Mr.R.M.Makeash Kumaravel, learned counsel appearing for the writ petitioner, reiterated the averments set out in the affidavit filed in support of the writ petition and submitted that till date, the complaint has not been considered and direction may be issued to the respondents 1 to 4 to consider the complaint and take action against the fifth respondent - Workshop as well as the officials, who worked in the Workshop.

5. Mr.S.Manohar, learned counsel appearing for the fourth respondent, submitted that the petitioner was dismissed from service for proved delinquency and the complaint is motivated, absolutely without any basis and the relief sought for in this writ petition is not maintainable.

6. Mr.Karthikeya Venkitachalapathy, Central Government Standing Counsel, submitted that the relief sought by the petitioner is not maintainable as against the respondents 1 to 3 and no direction may be issued to the said respondents in the present writ petition.

7. We have elaborately heard the learned counsel appearing for the parties and carefully perused the materials placed on record.

8. This writ petition has been styled as a public interest litigation. To enable the petitioner to maintain the same, he should establish that public interest is involved and that he has brought the facts to the notice of this Court for issuing appropriate directions. It is not in dispute that the petitioner was an employee of the Southern Railways working in the fifth respondent - Workshop and was dismissed from service. The petitioner has not specifically stated the same in this writ petition, but has made vague averments stating that till now, the application filed by him against the departmental proceedings initiated against him is pending before the Central Administrative Tribunal. Thus, it is clear that the present attempt of the petitioner is not a public interest litigation, but it is purely a



private interest litigation.

9. The petitioner was unsuccessful in his earlier attempt when he approached this Court by filing CrI.O.P.(MD) No.1708 of 2017, under Section 482 Cr.P.C. to direct the CBI to enquire into his complaint, which contained identical allegations as contained in the representation, which is subject matter of this writ petition. The present attempt of the petitioner does not have an element of public interest, but it is purely a personal interest, which he seeks to vindicate having been dismissed from service of the Indian Railways. Hence, no relief can be granted in this writ petition.

10. Accordingly, the writ petition fails and it is dismissed. No costs.

Sd/-

Assistant Registrar (AE)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note :

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

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To:

- 1.The Secretary,
Ministry of Railways,
Rail Bhavan,
1, Raisina Road,
New Delhi-110 001.
- 2.The Chairman,
Railway Board, Rail Bhavan,
1, Raisina Road, New Delhi-110 001.
- 3.The Central Vigilance Commissioner,
Central Vigilance Commission,
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4.The Chief Vigilance Officer
Vigilance Department
Southern Railway
CAO/Construction Complex
E.V.R.Periyar Road, Egmore
Chennai-600 008

5.The Chief Works Manager
Golden Rock Workshop
Southern Railway
Golden Park, Trichy

ORDER

IN

W.P. (MD) No.14870 of 2019

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RK(12.05.2021) 5P 6C