



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-01-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.11732 of 2011

And

MP No.1 of 2011

Nethaji Pokkuvarathu Thozhilalarkal

Pathukappu Thozhil Sangam,
Represented by its Secretary Mr.M.C.Krishnan,
Having Office at No.94,
Karuppurayan Koil Street,
Puliyankulam,
Coimbatore District.

..Petitioner

vs.

1. Chief Secretary,
Tamil Nadu Government,
Secretariat,
Chennai - 600 009.
2. The Chairman/Secretary to Government,
Transport Department,
Tamil Nadu Government,
Secretariat,
Chennai - 600 009.
3. The Home Secretary,
Secretary to Government,
Tamil Nadu Government,
Secretariat,
Chennai - 600 009.
4. The Principal Secretary to Government,
Transport (D) Department,
Tamil Nadu Government,
Secretariat,
Chennai - 600 009.
5. The Accountant General,
Chennai.



6. The Managing Director,
Tamil Nadu State Transport Corporation,
Kovai (Division) 37, Mettupalayam Road,
Coimbatore District.

..Respondents

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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the reply given by the fourth respondent in his letter No.1188/D/2011-3, dated 08.04.2011 and quash the same as illegal and consequently directing the first respondent to take appropriate steps to get audited the entire records of the fourth respondent-Transport Corporation by the fifth respondent-the Accountant General herein to find out whether the allegations made in the WP No.5806 of 2011 are true and if so to take necessary disciplinary action against such officials who had indulged in such malpractices and corruption and to submit a report to this Court.

For Petitioner : Mr.R.Y.George Williams
For Respondents-1 to 4 : Mr.T.Venkatesh Kumar,
Special Government Pleader.
For Respondent-5 : No Appearance
For Respondent-6 : Mr.A.Sundaravadhanam

O R D E R

The order dated 08.04.2011 passed by the Principal Secretary to Government, Transport Department, is under challenge in the present writ petition.

2. The petitioner is 'Nethaji Pokkuvarathu Thozhilalarkal Pathukappu Thozhil Sangam'.

3. The learned counsel for the petitioner states that the petitioner submitted a representation on 01.03.2011 to first respondent, setting out certain allegations of corruption regarding the purchase of Bus Tyres.

4. The grievance of the petitioner is that the said representation was not considered by the Competent Authorities with reference to the allegations and the impugned order of rejection was passed on 08.04.2011.



5. Perusal of the impugned order reveals that the Managing Director, Tamil Nadu State Transport Corporation (Coimbatore) Limited has sent his report to the Government with reference to the complaint. The report of the Managing Director of the Tamil Nadu State Transport Corporation (Coimbatore) Limited has been examined by the Government and it was found that action has been taken in the matter as per the terms and conditions and there was no irregularity or lapses were found on the part of the Officers against whom the complaint was submitted.

6. This Court is of the considered opinion when the representation submitted by the petitioner was considered by the Government and report was called for and based on the report, decision was taken that there was no irregularity or lapses were found, then the petitioner-Sangam has to substantiate the allegations with some acceptable evidence.

7. Mere representation is insufficient to consider the relief, as such, sought for in the present writ petition. The correctness of the order impugned can be tested if the petitioner could able to submit any materials to substantiate the allegations raised against the Officials. In the absence of any such materials, this Court would not be in a position to consider the relief. An opportunity was also given to the petitioner-Sangam to produce any such documents if available and the petitioner-Sangam so far has not produced any documents except the copy of the representation.

8. This being the factum, the petitioner-Sangam has not established any acceptable grounds for the purpose of considering the relief, as such, sought for in the present writ petition.

9. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

Sd/-

Assistant Registrar (CS-IV)

//True Copy//

Sub Assistant Registrar

Svn



To

1. Chief Secretary,
Tamil Nadu Government,
Secretariat,
Chennai - 600 009.
2. The Chairman/Secretary to Government,
Transport Department,
Tamil Nadu Government,
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Chennai - 600 009.
3. The Home Secretary,
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5. The Accountant General,
Chennai.
6. The Managing Director,
Tamil Nadu State Transport Corporation,
Kovai (Division) 37, Mettupalayam Road,
Coimbatore District.

+lcc to Mr.R.Y.George Williams, Advocate SR. No.1488
+lcc to Government Pleader SR. No.1988

WP No.11732 of 2011

KSM (CO)
PR (24/01/2022)