



WEB COPY



W.P. No. 40524 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2022

CORAM

THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 40524 of 2016

S.Vijayalakshmi

... Petitioner

-VS-

1. The Principal Secretary to Government,
Home, Prohibition and Excise,
The Government of Tamil Nadu,
Secretariat, Fort ST.George,
Chennai.

2. The Director General of Police,
Mylapore, Chennai.

3. Sivamani
Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the Second Respondent herein to consider the representation dated 17.02.2016 submitted by the Petitioner, consequently direct the Second Respondent to take department action against the Third Respondent.

For Petitioner : Mr. K.Balasubramaniam

For Respondents : Mr. P.Balathandayutham
Special Government Pleader
(for R1 and R2)

Mr. C.Senthilnathan (for R3)



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ORDER

Heard Mr. K.Balasubramaniam, Learned Counsel for the Petitioner, Mr. P.Balathandayutham, Learned Special Government Pleader appearing for the First and Second Respondents and Mr. C.Senthilnathan, Learned Counsel for the Third Respondent and perused the materials, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the Second Respondent to consider the representation dated 17.02.2016 made by the Petitioner and to consequently direct the Second Respondent to take departmental action against the Third Respondent.

3. In the Counter-Affidavit filed by the Second Respondent, it has been stated as follows:-

“8. It is humbly submitted that at the time of the alleged incident the Respondent was working as Inspector of Police, C2 Elephant gate Police Station and he has been shifted from the said post. As recommended by the Directorate of



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Vigilance the First Respondent has accorded sanction to launch criminal prosecution against the Third Respondent.

No specific recommendation for departmental action for same set of charge was suggested by the Directorate of Vigilance. It is further submitted that departmental action would however be initiated against the Third Respondent depending upon the outcome of the criminal case”

4. Learned Special Government Pleader appearing for the First and Second Respondents, on instructions, states that criminal case against the Third Respondent is still pending and its outcome is awaited. It is needless to add here that the Respondents shall proceed further in the matter as stated in the Counter-Affidavit, which is recorded.

In fine, the Writ Petition is disposed on the aforesaid terms. No costs.

06.07.2022

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Index: Yes/No

Note: Issue order copy by 20.07.2022.



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To

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1. The Principal Secretary to Government,
Home, Prohibition and Excise,
The Government of Tamil Nadu,
Secretariat, Fort ST.George,
Chennai.
2. The Director General of Police,
Mylapore, Chennai.



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P.D. AUDIKESAVALU, J.

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