



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.6741 of 2022

WEB COPY

Selvamuthu Kumar

... Petitioner

Vs.

1. The Director,
Directorate of Employment and Training
(Training Section)
Alanthur Road,
Tiruvega Industrial Estate,
Guindy,
Chennai-600 032.
2. The Joint Director,
Office of the Directorate of Employment and Training,
(Training Section)
Alanthur Road,
Tiruveka Industrial Estate,
Guindy,
Chennai-600 032.
3. The Regional Joint Director,
Office of Regional Joint Director of Training,
Employment and Training Section,
NO.10, North Main Road,
N.G.O.B.Colony, Perumalpuram Post,
Vasanthanagar,
Tirunelveli-627 007.
4. The Additional Director,
District Skill Training Centre,
Government Industrial Training Institute Campus,
Konam, Nagercoil,
Kanyakumari District.
5. The Inspector of Police,
Nesamani Nagar Police Station,
Nesamani Nagar,
Nagercoil,
Kanyakumari District.

6.S.Sylaslovelytom

... Respondents

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initiate
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For R1 to R5 : Mr.A.K.Manikkam
Special Government Pleader
For R6 : Mr.J.Arul

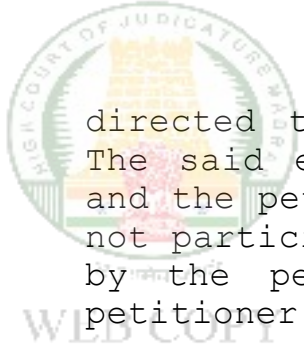
ORDER

The relief sought for in the present writ petition is to direct the first respondent to consider the petitioner's representation dated 04.04.2022 and thereby initiate immediate legal action either in the form of suspension or initiation of departmental proceedings for the involvement of the sixth respondent in a criminal case bearing Crime No.427 of 2021 on the file of the fifth respondent police.

2.The petitioner states that he is working as a Junior Training Officer in Industrial Training Institute at Konam, Nagercoil, Kanyakumari District. The petitioner is attached to Welder Department of the Industrial Training Institute. The sixth respondent is working as a Training Officer. There are certain dispute between the petitioner and the sixth respondent and in this regard, they have developed personal animosity which resulted in filing of the complaint.

3. The learned Special Government Pleader appearing for the respondents 1 to 5 made a submission that unnecessarily the fifth respondent has been implicated in this case. A criminal case was registered by the fifth respondent and therefore, the fifth respondent has been implicated as a necessary respondent. Mere registration of a criminal case would not be a ground to implead the Inspector of Police as party respondent in a writ proceedings.

4. The learned Special Government Pleader appearing for the respondents furnished a copy of the enquiry notice dated 27.01.2022, issued by the Assistant Director wherein it has been stated that enquiry is to be held on 04.02.2022 at 11.00 a.m., and



directed the parties to be present for conducting the enquiry. The said enquiry notice was communicated by the writ petitioner and the petitioner sent a reply on 01.02.2022 stating that he will not participate in the process of enquiry. Such a letter submitted by the petitioner before the authorities will disentitle the petitioner from claiming the relief from this Court.

5.The petitioner has approached the Court for conducting an enquiry and the authorities have already initiated steps to conduct enquiry then, the parties shall appear and place their grievance before the competent authorities. Contrarily, by filing a writ petition they cannot refuse to attend for enquiry before the competent authorities. Thus, the conduct of the writ petitioner in this regard, cannot be appreciated by this Court.

6.In view of the facts and circumstances, the petitioner is at liberty to participate in the process of enquiry to be conducted by the Assistant Director and the Assistant Director shall continue the enquiry proceedings by affording an opportunity to all the parties and conclude the same and initiate appropriate action on merits and in accordance with law.

7.With these observations, this Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(CSI)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

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5. The Inspector of Police,
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Nesamani Nagar,
Nagercoil,
Kanyakumari District.
- +1 CC to M/s.S.PALANI VELAYUTHAM, Advocate
(SR-21729[F] dated 27/04/2022)
- +1 CC to M/s.SPL.GOVERNMENT
(SR-21881[F] dated 27/04/2022)
- +1 CC to M/s.P.T.RAMESH RAJA, Advocate
(SR-22147[F] dated 28/04/2022)

W.P.(MD)No.6741 of 2022
26.04.2022

SP/01/06/2022/4P/9C