



WP(MD)No.17574 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.08.2022**

CORAM:

THE HONOURABLE **MR.JUSTICE M.S.RAMESH**

W.P.(MD)No.17574 of 2022

and

W.M.P(MD)No.12793 of 2022

M.Prasanna

... Petitioner

/vs./

1.The Agriculture Production Commissioner cum Principal Secretary
to the Government,
Agriculture Department,
Fort St.George,
Chennai-9.

2.The Director of Agriculture,
Office of the Director of Agriculture,
Chepauk,
Chennai-5.

3.The Joint Director of Agriculture,
Office of the Joint Director of Agriculture,
Madurai.

4.G.V.Amudhan
5.S.Ulagammal

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the Respondent Nos.1 to 3 to conduct enquiry upon the complaint of the petitioner, dated 23.07.2022 and permit the petitioner to rejoin duty in the post of Assistant Technology Manager at Kottampatti Block, Madurai District within the time period stipulated by this Court.

For Petitioner : Mr.Aswin Rajasimman
for M/s.T.Lajapathi Roy

For R-1 to R-3 : Mr.Veera.Kathiravan
Additional Advocate General
Assisted by Mr.G.Suriyananth
Additional Government Pleader

ORDER

The petitioner herein was appointed to the post of Assistant Technology Manager under ATMA Scheme. In connection with a criminal case in Crime No.5 of 2020, in which the petitioner was implicated, he alleges that the official respondents have not permitted him to continue in the post of Assistant Technology Manager. He has given a representation in this regard on 23.07.2022, seeking for allotment of work. Apart from such a request, the petitioner also seems to have made a complaint against the respondents 4 and 5, alleging certain dereliction of duty on their part and that they have foisted a false complaint



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against the petitioner, which culminated in to registration of the FIR. Effectively, this portion of the petitioner's request in his representation seeks for an enquiry against the respondents 4 and 5 officials.

2. The learned Additional Advocate General submitted that the nature of this complaint has already been investigated by the CBCID in Crime No.5 of 2020, pursuant to which, he was arrested on 31.06.2022 and released on bail on 20.07.2022. If that be so, no effective enquiry can be conducted by the concerned Department against the respondents 4 and 5, when the police investigation officers have already seized all the amount. As such, the request by the petitioner for action against the respondents 4 and 5 in his representation, cannot be sustained.

3. Nevertheless, if the petitioner is of the view that he has been denied duty without permission or acknowledgment, it is always open to him to approach the concerned respondent addressing his grievances in this regard, without any allegations against the respondents 4 and 5 or any other officials of the respondent Department. If such a representation is made, the concerned authority



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shall consider it, on its own merits and pass appropriate orders in accordance with law, within a period of four (4) weeks from the date of receipt of such a representation.

4. The writ petition stands disposed of, accordingly. There shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

05.08.2022

Index : Yes / No

Internet : Yes / No

btr/TM

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M.S.RAMESH, J.

btr/TM

Order made in
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