



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **20.06.2022**

CORAM

WEB COPY

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P. (MD) .No.9385 of 2016

and

W.M.P (MD) No.7439 of 2016

A.Kalyanasundaram

... Petitioner

Vs.

1.The Additional Secretary,
The State of Tamil Nadu,
Department of Micro, Small & Medium Enterprise (MSME),
St.George Fort,
Chennai-32.

2.The Director,
Vigilance Department,
Adyar, Chennai.

3.The Additional Chief Secretary,
The State of Tamil Nadu,
Department of Micro, Small & Medium Enterprise (MSME),
SIDCO Complex, Guindy, Chennai.

4.B.Krishnan

5.S.Parameshwaran

6.M.Sivaganga

7.Tamilselvan

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents 1 to 3 herein to take appropriate action upon the respondents 4 to 7 based on the petitioner's representation dated 11.05.2016 pertaining to corruption and misappropriation charges.

For Petitioner : M/s.K.R.Laxman

For R-1 to R-3 : Mr.P.Thilakkumar
Government Pleader
for Mr.M.Ramesh
Government Advocate

For R-4 : Mr.V.Kannan
for Mr.S.Doraisamy

For R-6 & R-7 : No appearance



ORDER

The present Writ Petition has been filed seeking a Writ of Mandamus, directing the respondent Nos.1 to 3 to initiate appropriate action as against the private respondent Nos.4 to 7, based upon the representation, dated 11.05.2016, pertaining to corruption and misappropriation charges.

2. Pending writ proceedings, the third respondent has conducted an enquiry and all the private respondents have been discharged from their charges and has arrived at a finding that none of the charges as against R4 to R7 have been proved. Thereafter, all the private respondents have also been permitted to retire and they are no longer in service as on today.

3. Considering the above said facts, since the respondent Nos.4 to 7 are not in service, the official respondents, namely, R1 to R3 will not have any jurisdiction any longer to initiate any disciplinary proceedings as against R4 to R7. In view of the above said discussion, the prayer sought for by the writ petitioner, seeking a Mandamus cannot be entertained.

4. The Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/06/2022

Sub Assistant Registrar(CS)

btr

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.

To

1.The Additional Secretary,
The State of Tamil Nadu,
Department of Micro, Small & Medium Enterprise (MSME),
St.George Fort,
Chennai-32.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director,
Vigilance Department,
Adyar, Chennai.

3.The Additional Chief Secretary,
The State of Tamil Nadu,
Department of Micro, Small & Medium Enterprise (MSME),
SIDCO Complex, Guindy, Chennai.

+1 CC to M/s.V. KANNAN, Advocate (SR-27028[F] dated 21/06/2022)

+1 CC to M/s.SPL.GP (SR-27099[F] dated 21/06/2022)

+1 CC to M/s.C. DEEPAK KUMAR, Advocate (SR-27501[F] dated
22/06/2022)

Order made in
W.P. (MD) .No.9385 of 2016
20.06.2022

=SS(27/06/2022) 3P 7C