



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED **30.01.2023**

CORAM

**THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN**

**W.P.No. 5704 of 2021**

Mr. Ramachandran

... Petitioner

**..Vs..**

1. The Chief Secretary  
Government of Puducherry  
Pondicherry – 605 001.
2. The Secretary  
Transport Secretariat Government of Puducherry  
Transport Department  
Puducherry 600 001.
3. The Transport Commissioner  
100 Feet Road, Mudaliarpeth  
Pondicherry 605 004.
4. The Managing Director  
Puducherry Road Transport Corporation  
Puducherry.
5. Central Bureau of Investigation  
Rajaji Bhavan Complex, 3<sup>rd</sup> Avenue,  
Tiruvallur Nagar, Besant Nagar  
Chennai – 600 090.



WEB COPY

6. The Superintendent of Police  
Vigilance and Anti-Corruption Department  
M.G.Road, Muthialpet, Pondicherry

... Respondents

**PRAYER:** Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus directing the respondents 1 to 4 to implement the Expert committee Report-Mr.Vijayan Commission, and 5<sup>th</sup> and 6<sup>th</sup> respondents to conduct an enquiry and take legal action in the Expert Committee Report-Mr.Vijayan Commission as per the recommendation in Chapter 4.1, 4.2 and 4.2.1 and submitted in No.04/Secy(Tr./Ind) 2019/008 dated 23.01.2019 on the file of Government of Puducherry - 1<sup>st</sup> respondent.

\*\*\*

For Petitioner :: M/s. Usha Ramman

For RR 1 to 3 & 6 :: Mr.Ramasamy Meiyappan  
Government Advocate (Puducherry)

For 4<sup>th</sup> Respondent :: Mr. A.R.Nixon

For 5<sup>th</sup> Respondent :: Mr. P.Srinivasan

### **ORDER**

This Writ Petition has been filed in the nature of Mandamus seeking a direction to the respondents 1 to 4 / the Chief Secretary, Government of Puducherry, the Secretary, Transport Secretariat Government of Puducherry



Transport Department, Puducherry, The Transport Commissioner, 100 Feet Road, Mudaliarpeta, Pondicherry 605 004 and the Managing Director, Puducherry Road Transport Corporation, Puducherry, to implement the Expert Committee Report also called Mr. Vijayan Commission and also for a direction against the 5<sup>th</sup> and 6<sup>th</sup> respondents /Central Bureau of Investigation at Chennai and the Superintendent of Police, Vigilance and Anti-Corruption Department, M.G.Road, Muthialpet, Pondicherry, to conduct an enquiry and take legal action in accordance with the report of the said Committee as given in Chapter 4.1, 4.2 and 4.2.1 and submitted in No.04/Secy(Tr./Ind) 2019/008 dated 23.01.2019 on the file of Government of Puducherry.

2. The petitioner is working as a Junior Tradesman in the third respondent Corporation from 1993. He says that along with him about 800 persons are also working in the said Corporation.

3. Even before entering into any discussion on the merits of the Writ Petition, I would state that the petitioner, who is receiving salary from and out of the income tax paid by the general public, should first endeavor to put his focus in discharging his duties as a public servant. The word 'public



servant' is not defined any statute but is defined only in the Prevention of Corruption of Act 1989. The definition of 'public servant' is as follows:-

*“(c) “Public Servant” means -*

*(i) any person in the service or pay of the Government or remunerated by the Government by fees or commission for the performance of any public duty. ”*

4. It is seen that the definition as given in the provision of reflects that the public servant has responsibilities and has to discharge his duty in public interest.

5. I hold that filing of a Writ Petition is not one such responsibility which the general public, who by their payment of their taxes ensures the the public servant receives his salary. On that one ground also, on the issue of locus, the Writ Petition deserves to be dismissed.

6. Even otherwise, the Writ Petitioner seeks omni bus prayer



seeking implementation of a few chapters of a report, which the petitioner calls the Expert Committee Report also called Mr. Vijayan Commission.

7. The Committee has not been formed under the aegis of the petitioner or owing to his labour. The Committee had been formed in proper manner by responsible officials. When a report is submitted by such a Committee, it is for the members, who constituted the Committee to act in accordance with the report or take any other decision. It certainly does not lie in the mouth of the petitioner to dictate that a few provisions, namely, those recommended in Chapters 4.1, 4.2 and 4.2.1 alone must be implemented by the respondents herein. The petitioner as a tradesman, working under the third respondent should rest content by discharging his work and ensuring that he attends office diligently and does not take leave and does not indulge himself in filing such frivolous Writ Petitions as the present.

8. The report of the Committee is within the consideration of the



members who formed the committee. It is for them to either act accordingly or to reject it. They may even modify the recommendations. They may implement them. They may take any decision in accordance with the requirements of the general public.

9. The relief sought in the Writ Petition is totally misconceived. It is frivolous. It is vexatious. It is dismissed. Only because of the fact that the petitioner is still in employment, I would not impose costs as that might affect his service conditions.

30.01.2023

vsg

Index: Yes/No

Internet: Yes/No

Speaking / Non Speaking Order

To

1. The Chief Secretary  
Government of Puducherry  
Pondicherry – 605 001.
2. The Secretary  
Transport Secretariat Government of Puducherry  
Transport Department  
Puducherry 600 001.
3. The Transport Commissioner



WEB COPY



100 Feet Road, Mudaliarpet  
Pondicherry 605 004.

4. The Managing Director  
Puducherry Road Transport Corporation  
Puducherry.
5. Central Bureau of Investigation  
Rajaji Bhavan Complex, 3<sup>rd</sup> Avenue,  
Tiruvallur Nagar, Besant Nagar  
Chennai – 600 090.
6. The Superintendent of Police  
Vigilance and Anti-Corruption Department  
M.G.Road, Muthialpet, Pondicherry.

**C.V.KARTHIKEYAN, J.,**



WEB COPY



vsg

**W.P.No. 5704 of 2021**

**30.01.2023**