



WEB COPY



W.P. No. 12659 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.04.2023

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

W.P. No. 12659 of 2023

and

W.M.P. Nos. 12450 and 12451 of 2023

G. Ravishankar @ Ravichandran

... Petitioner

-VS-

1. The Director,
Directorate of Vigilance and Anti-Corruption,
No. 293, MKN Road,
Alandur,
Chennai.
2. The Superintendent of Police, North Range,
Head Quarters,
Department of Vigilance and Anti-Corruption,
Chennai.
3. The Additional Superintendent of Police,
Head Quarters,
Department of Vigilance and Anti-Corruption,
Chennai.
4. A.Prithivirajan/Enquiry Officer,
The Additional Superintendent of Police,
Head Quarters,
Department of Vigilance and Anti-Corruption,
Chennai.

5. Chandrakala

... Respondents



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Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Certiorari, calling for the records pertaining to the impugned order dated 13.07.2022 in Na.Ka.4/ADSP-HQ-2022 on the file of the Respondent No.3 and quash the same.

For Petitioner : Mr. T.Thirumurugan
For Respondents : Mrs. R.Anitha,
Special Government Pleader
(for R1 to R4)

ORDER

Heard Mr. T.Thirumurugan, Learned Counsel for the Petitioner and Mrs. R.Anitha, Learned Special Government Pleader appearing for the First to Fourth Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. In view of the order proposed to be passed, which would not cause any prejudice to the Fifth Respondent, notice to her is dispensed with.

3. The Third Respondent by Proceedings No. Na.Ka.4/ADSP-HQ-2022 dated 13.07.2022 had sent a report to the First Respondent informing that the when the marriage of the Petitioner with the Fifth Respondent is subsisting, he



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has married one Thangammal in violation of the Tamil Nadu Government Servants' Conduct Rules, 1973, for which disciplinary action is liable to be taken, and the same is challenged by him in this Writ Petition.

3. Learned Special Government Pleader appearing for the First to Fourth Respondents points out that the impugned proceedings is merely an intimation of misconduct and it has not got culminated into any final decision regarding which the Petitioner could be aggrieved at this stage.

4. It is borne out from the records that in response to the Notices in Tha.Pa.No.02/2022 and Tha.Pa.No.05/2022 dated 22.12.2022 and 13.01.2023, the Petitioner has submitted his explanation dated 30.01.2023 that the marriage with the said Thangammal has taken place only after decree of divorce between the Petitioner and the Fifth Respondent has been granted in H.M.O.P. No. 162 of 2013 by the Principal Sub Judge, Srivilliputhur.

4. In such circumstances, though this Court is not inclined to interfere with the report in Proceedings in Na.Ka.4/ADSP-HQ-2022 dated 13.07.2022 sent by the Third Respondent to the First Respondent, it shall be incumbent upon the concerned authority to duly consider the explanation dated 30.01.2023



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submitted by the Petitioner before coming to any ultimate conclusion in the matter. It is needless to add here that no view has been expressed by the Court on the merits of the controversy involved in the matter.

In the result, the Writ Petition is disposed with the aforesaid clarifications. Consequently, the connected Miscellaneous Petitions are closed.

No costs

28.04.2023

skr

Index: Yes/No

Neutral Citation: Yes/No

Note: Issue order copy by 21.08.2023.

To

1. The Director,
Directorate of Vigilance and Anti-Corruption,
No. 293, MKN Road,
Alandur,
Chennai.
2. The Superintendent of Police, North Range,
Head Quarters,
Department of Vigilance and Anti-Corruption,
Chennai.
3. The Additional Superintendent of Police,
Head Quarters,
Department of Vigilance and Anti-Corruption,
Chennai.



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4. The Enquiry Officer,
The Additional Superintendent of Police,
Head Quarters,
Department of Vigilance and Anti-Corruption,
Chennai.



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P.D. AUDIKESAVALU, J.

skr

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