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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.07.2023

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THE HON'BLE Mr. JUSTICE **C. V. KARTHIKEYAN**

W.P.No.33241 of 2016
and
W.M.P.No.32905 of 2018

M. Thyagarajan

.. Petitioner

Vs.

1.Union of India

Rep. by its Under Secretary to Government,
Department of Personnel and Training,
Government of India,
Room No.112, North Block,
New Delhi – 110 001.

2.Union of India

Rep. by its Secretary to Government,
Department of Commerce,
Government of India,
Room No.143, Udyog Bhavan,
New Delhi – 110 011.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records of the 1st respondent in file No.104/67/2014-AVD.I dated 08.09.2016 and quash the same and direct the respondents for a high level inquiry within a stipulated time.



For Petitioner

.. Mr. M. Palanimuthu

For R1 & R2

.. Mr. G. Baskaran, Standing Counsel

ORDER

This Writ Petition has been filed in the nature of Certiorarified Mandamus seeking interference with a letter dated 08.09.2016 issued by the 1st respondent / Under Secretary to Government, Department of Personnel and Training, Government of India, New Delhi.

2. The 1st respondent had examined the complaint given by the petitioner herein on 30.03.2015 and on examination had stated as follows in the said letter:

“Sub: Your complaint dated 30.03.2015 against Shri D.S. Dhesi, IAS (HY:82) – reg.

Sir,

Please refer to your complaint dated 30.03.2015 and subsequent letters dated 18.09.2015, 16.01.2016 and 09.03.2016 on the subject cited above.

2. It is informed that your above complaint was examined in consultation with the Department of Commerce and that the allegations levelled in your complaint have been found devoid of any merit. Accordingly, this Department closed your



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complaint.

Yours faithfully,

[K.C. Raju]

Under Secretary to the Government of India

3. It is the grievance expressed by Mr. M. Palanimuthu, learned counsel for the petitioner, that the petitioner who was also an employee in MMTC Limited, had raised specific allegations in the complaint dated 30.03.2015 and also had named individuals, but unfortunately without examining the veracity of the averments made in the said complaint, by the aforementioned letter, the complaint was declared to be 'devoid of merits'. It is therefore contended by the learned counsel that such a conclusion could not have been reached without the petitioner being put on notice. The petitioner was never heard before his complaint was rejected as 'devoid of merits'. The learned counsel asserted that there were merits in the complaint. He also raised grievance about the manner, in which the petitioner herein was issued with a charge memo just a day before his retirement on attaining the age of superannuation. It is a further grievance that not even proper farewell had been awarded to the petitioner, though he had put in a significant number of years of service in MMTC Limited.



4. Incidentally, there is also a petition to implead MMTC Limited as further respondent in the writ petition.

5. But, in view of the fact, that the impugned order does not contain any reason and there is no reference at all that the petitioner was heard before the said impugned order was passed, at this juncture, though MMTC Limited might be interested in further proceedings of the writ petition, since a direction is given that the 1st respondent should examine the complaint of the petitioner and issue notice to the petitioner and thereafter, pass necessary order after getting necessary clarification from the petitioner, I hold that MMTC Limited is not a necessary party to the writ petition.

6. W.M.P.No.32905 of 2018 stands dismissed.

7. Insofar as the impugned order is concerned, the same is straight away interfered with by this Court and set aside. Accordingly, this Writ Petition stands allowed. No costs. Consequently, connected Writ Miscellaneous Petition is closed.



7. A further direction is issued to the 1st respondent to issue notice to the petitioner, get clarification if required from the petitioner and thereafter, in a transparent manner address the complaint dated 30.03.2015 and state why the complaint is categorized as 'devoid of merits'. Reasons must be given. Those reasons are required to give clarity to the petitioner, who is not able to understand, why the complaint was summarily rejected by the impugned order.

8. It is also complained by the learned counsel that the respondents should have also taken into consideration, the circular of the Department of Personnel and Training O.M.No.36026/3/85-Estt.(SCT), dated 24.06.1985. Let all procedures be followed and necessary orders be passed within a period of twelve weeks from the date of receipt of a copy of this order.

26.07.2023

Index: Yes/No
Internet: Yes/No
Neutral Citation: Yes/No
Speaking order: Yes/No
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To

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Department of Personnel and Training,
Government of India,
Room No.112, North Block,
New Delhi – 110 001.
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C.V.KARTHIKEYAN,J.

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