



W.P.No.17522 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.11.2023

CORAM:

THE HON'BLE Mrs.JUSTICE **V.BHAVANI SUBBAROYAN**

W.P.No.17522 of 2018 &
W.M.P.No.20792 of 2018

L.Moorthy

... Petitioner

Vs.

1. The Director,
The Directorate of Technical Education,
Guindy, Chennai – 600 025

2. Srinivasa Subbaraya Government,
Polytechnic College, Pithur – 609 108
Sirkali Taluk, Nagapattinam District
rep. By its Principal

3. K.Chandrasekar
Principal In-Charge (Retired),
V.K.Nagar, Ammapettai Post,
Chidambaram Taluk,
Cuddalore District

4. A.Mary Christina
Lecturer in Computer Department,
Srinivasa Subbaraya Government,
Polytechnic College, Pithur – 609 108
Sirkali Taluk, Nagapattinam District

5. S.Krishnamoorthy

6. A.Baskar
Lecturer in General Department,
Srinivasa Subbaraya Government,
Polytechnic College, Pithur – 609 108
Sirkali Taluk, Nagapattinam District

7. A.K.Ravikumar
Lecturer in Computer Department,
Srinivasa Subbaraya Government,
Polytechnic College, Pithur – 609 108
Sirkali Taluk, Nagapattinam District

... Respondents



W.P.No.17522 of 2018

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Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the 1st respondent to conduct an enquiry against the 3rd and 4th respondents as well as the respondents 5 to 8 for their excesses in issuing a false report by fixing a time frame and consequently direct the respondents 1 and 2 to pay a compensation at Rs.90 Lakhs for pain and suffering that had been undergone by the petitioner.

For Petitioner : Mr.D.Ashok kumar

For Respondents : Mr.M.Muthusamy for R1
Government Advocate

ORDER

The present Writ Petition has been filed for issuance of a Writ of Mandamus directing the 1st respondent to conduct an enquiry against the respondents 3 to 8 for their excesses in issuing a false report by fixing a time frame and consequently, direct the respondents 1 and 2 to pay a compensation at Rs.90 Lakhs for pain and suffering that had been undergone by the petitioner.

2. The brief facts of the case is that the petitioner had joined the department on 02.04.1986 and retired from his services on 30.04.2017 and during the course of his service, namely, 31 years, his services are highly just, meritorious and service oriented. The respondents 3 and 4 have acted



W.P.No.17522 of 2018

hand in glove and looted the funds and when the same was questioned by the petitioner, they have developed an ill will and thus indulged in every action to sideline petitioner's career, due to which, the petitioner had undergone pain and suffering, which cannot be expressed in words. Further, the retirement benefits are yet to be settled and the same is only owing to their vindictive attitude of the respondents 3 and 4. Therefore, compensation sought at Rs.90 Lakhs is a bare minimum at the rate of Rs.25 Lakhs each from the 3rd and 4th respondents and at the rate of 10 Lakhs each from the respondents 5 to 8.

3. The learned counsel for the petitioner would submit that the respondents 3 and 4 have acted hand in glove and looted the funds and when the same has been questioned by the petitioner, they have developed an ill will and had indulged in every action to sideline the petitioner's career, hence this petition.

4. Per contra, the learned Government Advocate appearing for the 1st respondent submits that the petitioner was suspended during his service for violation of Tamilnadu Government Servants Conduct Rules, 1973 when the petitioner was working in Government Polytechnic College, Udthagamandalam. Further, the petitioner has averred many allegations with malafide intension without an iota of truth or evidence. That apart, the materials and tools were available for the conduct of foundry / welding / lathe practical classes during the semester period from December 2015 to



W.P.No.17522 of 2018

April 2016 for the Mechanical engineering students. The said workshop classes were conducted by the petitioner and S.Ramesh as internal Examiner for April 2016 practical examination and the petitioner gave wrong information that no materials are available in the institution for conducting practical classes. The classes and examinations were conducted with the available tools and machines. After the examination, the 3rd respondent ordered the petitioner to receive the materials from K.Thamilarasu and S.Ramesh, but the petitioner refused. The transfer order to the petitioner to Government Polytechnic College, Usilampatti was issued due to administrative reason for the welfare of the students and not due to any personal vengence and the respondents are not liable for payment of any compensation of Rs.90 lakhs or any other amount, thereby pleaded to dismiss the petition.

5. Heard the learned counsel on either side and perused the documents placed on record.

6. On a perusal of the documents placed on record, it is seen that the petitioner was suspended for the period from 21.07.2008 to 18.01.2009 and when the suspension order was revoked by DOTE Order No.3975/B6/2012 dated 22.02.2016 and after obtaining relevant particulars, the bill was prepared and sent to Sub Treasury, Sirkali and the arrears of pay of Rs.2,59,903/- was credited to the petitioner's account on



W.P.No.17522 of 2018

06.06.2016 and the delay was caused due to the suspension of the petitioner for violation of Tamilnadu Conduct Rules, 1973 and not by the 3rd respondent. All the other aspects as averred by the petitioner that in order to wreck vengeance, the petitioner was transferred and posted as incharge in the said department, are all vague and there is no genuineness in the petitioner's claim and there was no materials available for workshop transfer and the petitioner has only refused to receive the materials from one Tamilarasu and Ramesh who are the predecessor in the said post and inspite of that, the petitioner was only transferred due to the administrative reasons and not due to any other reasons.

7. It is also further seen that the petitioner was superannuated on 30.04.2017 and on the verge of retirement, gratuity was settled on 10.11.2017 for a sum of Rs.6,71,615/-. The special provident fund for a sum of Rs.40,020/- was settled on 17.01.2018 and Earned Leave and Unearned Leave for a sum of Rs.1,07,656/- was settled on 04.05.2018. Further, the increment arrear has been claimed and disbursed on 04.05.2018 for a sum of Rs.49,412/- and accordingly, the respondents have disbursed the entire amount and the petitioner is receiving the pension, as per the norms fixed by the Government.



W.P.No.17522 of 2018

8. It is also seen that the respondents are not liable to pay compensation of 90 lakhs or any other amount, as they have completed their duty and the petitioner has been suspended only due to the conduct of the petitioner. It is also seen that the petitioner had not made out a case for conducting an enquiry against the 3rd and 4th respondents as well as the respondents 5 and 8 as prayed in the petition, in view of the fact that the petitioner has not stated any aspects with relevant proof and this is not a forum for awarding any compensation. The petitioner has an alternative remedy for claiming the compensation, if need be.

In view of the above, the present the Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed. No costs.

03.11.2023

Index:Yes/No
Internet:Yes/No
Speaking / Nonspeaking order
ssd

To

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