



W.A(MD)No.1182 of 2013

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.03.2023

CORAM:

**THE HON'BLE MR JUSTICE R. SURESH KUMAR
AND
THE HON'BLE MR JUSTICE K.K. RAMAKRISHNAN**

**W.A(MD)No.1182 of 2013
and
M.P(MD)No.1 of 2013**

P.Balakrishnan

... Appellant/Petitioner

.Vs.

- 1.The Secretary to Government,
Backward Class/De-notified Community/
Minority Welfare Department,
Secretariat,
Chennai.
- 2.The Commissioner,
The Minority Welfare Department,
Secretariat,
Chennai.
- 3.The District Backward Class Welfare Officer,
Tirunelveli District,
Tirunelveli.



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4.U.Shanmugavel
Servant-cum-Watchman,
Government Boys Hostel,
Pettai,
Tirunelveli District.

.. Respondents/Respondents

PRAYER: Writ Appeal filed under Clause 15 of the Letters Patent Act, to allow the Writ Appeal and set aside the order dated 09.10.2013 passed by the learned Single Judge in W.P(MD)No.15708 of 2013.

For appellant	: Mr.K.Seemaraj
For Respondents	: Mr.B.Saravanan Additional Government Pleader

JUDGMENT

(Order of the Court was made by R. SURESH KUMAR,J.)

The appellant was working as a Hostel Warden in the respondents 1 to 3 department for several years.

2. During that period between 1976 and 1999, the fourth respondent was working as Watchman. Thereafter, the petitioner retired from service on superannuation on 31.05.2013, but during the last leg of his service, the petitioner seems to have given a complaint against the fourth respondent making some allegations against him stating that in the year 2009 when he had taken leave,



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proper leave letter has not been given, without giving proper leave letter, he had taken leave, i.e., absence un-authorisedly that has not been taken note of by higher officials. Therefore, in order to take the disciplinary action against him, complaint had been given by the writ petitioner/appellant against the fourth respondent.

3. In this context, according to the learned counsel appearing for the appellant, the said complaint having been taken note of, an enquiry was conducted on 25.04.2013 however, no final order has been passed. In the meanwhile, since the petitioner/appellant retired from service on superannuation, after he retired, he had approached this Court by filing afore-stated writ petition seeking writ of mandamus to pass final order on the enquiry conducted against the fourth respondent, of-course, which was, according to the learned counsel for the appellant, triggered by the petitioner/appellant.

4. The said writ petition, having been considered, was rejected by the learned Single Judge by the impugned order, dated 09.10.2013, where, the learned Single Judge has given his reason at Para-3 which reads thus:-



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“3. A perusal of the affidavit filed in support of the petitioner would go to show that the occurrence took place between 1976 to 1999. The representation of the petitioner is in the year 2012 that too after his retirement. It is not known as to why the petitioner did not make any complaint then and there when he noticed the alleged misconduct of the 4th respondent. From the narration of the fact in the affidavit, it is seen that the petitioner tries to settle the personal score in this writ petition. This Court cannot be a platform to achieve such object. Thus, in view of the same, there is no merit in this writ petition as it is a clear abuse of process of Court. ”

5. We have heard the learned counsel appearing for both sides and have perused the impugned order as well as the other materials placed before this Court.

6. Reasoning stated by the learned Single Judge in the impugned order is perfect and we feel that no interference is called for because the writ petition neither was adversarial nor the writ petitioner, who is the appellant herein, was affected because of any alleged activities on the part of the fourth respondent. When that being so, the prayer sought for in the writ petition cannot be



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considered, therefore, that was rightly considered and rejected by the learned Single judge, which requires no interference. Hence, the writ appeal fails. Accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

[R.S.K.,J.] [K.K.R.K.,J.]
15.03.2023

Index : Yes / No
Internet : Yes / No
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To

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JUDGMENT MADE IN
W.A(MD)No.1182 of 2013

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