



W.P.(MD).No.16621 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.07.2023

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.16621 of 2023

L.N.Nithyanandham

... Petitioner

Vs.

1.The Principal Secretary to Government,
Health and Family Welfare Department,
Secretariat,
Chennai-9.

2.The Director,
Public Health Department,
D.M.S.Campus,
Teynampet, Chennai-18.

3.The Inspector of Police,
District Crime Branch,
Pudukkottai.

4.D.Radhakrishnan

5.The Deputy Director of Health Services,
Pudukkottai.

... Respondents

*(R5 is suo moto impleaded by this Court vide order, dated
11.07.2023 in W.P(MD)No.16621 of 2023)*



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Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the Respondents 1 and 2 to initiate appropriate disciplinary proceedings against the 4th Respondent based on the complaint preferred by the Petitioner dated 20.06.2022, 17.12.2022 and 14.06.2023.

For Petitioner : Mr.K.Jeyamohan

For Respondents : Mr.M.Thambidurai
Government Advocate

ORDER

The present writ petition has been filed seeking direction to the Respondents 1 and 2 to initiate appropriate disciplinary proceedings against the 4th Respondent based on the complaint preferred by the Petitioner dated 20.06.2022, 17.12.2022 and 14.06.2023.

2. In the year 2014, the petitioner's father, namely Lakshmi Narasimman borrowed money from one Dr.Ramadosh who is working as a Child Specialist in Vaidheeswara Children Hospital at Pudukkottai under difficult situation. Subsequently, in the year 2016, the petitioner's father died due to Cancer. Thereafter, a false complaint was preferred as against the petitioner before the



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3rd respondent police stating that the petitioner received a sum of Rs.1,50,00,000/- from the said Dr.Ramadoss. The 3rd respondent called the petitioner for enquiry on 02.06.2020 and harassed the petitioner to return back the money to the said Dr.Ramadoss. Besides that, the petitioner was also forced to sign a pre-drafted compromise deed on 02.06.2020 in the premises of the 3rd respondent office. In the said date, the 4th respondent who is working as a Driver in a Primary Health Centre signed as one of the witnesses along with one S.V.Karuppaiah. The said signature was obtained by coercing and threatening the petitioner by the said Dr.Ramadoss along with the 4th respondent and one S.V.Karuppaiah under the influence of the 3rd respondent Inspector. The 4th respondent is a Government employee who is working as a full time Driver in the Primary Health Center situated in Kaveri Nagar, Pudukkottai. The 2nd respondent is the appointing authority of the 4th respondent. The act of the 4th respondent in signing as one of the witnesses in a pre-drafted compromise deed by colluding with the said Dr.Ramadoss in the premises of 3rd respondent office by coercing the petitioner would amount to criminality and as such is an offence punishable under law. The 4th respondent by his conduct has violated all the conduct Rules by involving in a criminal act by criminally intimidating the petitioner by using obscene words and



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threatening the petitioner with dire consequence, thereby obtaining the petitioner's signature in a pre-drafted compromise deed in the premises of the District Crime Branch, Pudukkottai.

3. However, later, in a Criminal Original Petition filed before this Court by the petitioner in CrI.O.P(MD)No.1776 of 2021, this Court was pleased to quash the said compromise deed, dated 02.06.2020 in which the petitioner's signature was obtained forcibly by the said Dr.Ramadoss in collusion with the respondents 3 and 4 and one S.V.Karuppaiah. Against which, the said Dr.Ramadoss preferred SLP before the Hon'ble Apex Court in SLP(CrI)No. 8637 of 2021 and the same was also dismissed on 10.12.2021. The said compromise deed was quashed by this Court by an order, dated 30.03.2021 and even then, the said Dr.Ramadoss is continuing to harass the petitioner through the 4th respondent, attempting to extract money from the petitioner. Despite being an Government employee, the 4th respondent is continuously involving in criminal act against the petitioner. Hence, the petitioner made several complaints, dated 20.06.2022, 17.12.2022 and 14.06.2023 seeking to initiate appropriate disciplinary proceedings as against the 4th respondent. Since the same were not considered, this writ petition came to be filed.



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4. The learned Government Advocate would submit that the authority to consider the petitioner's representation is Deputy Director of Health Services at Pudukkottai. However, no complaint has been made before him.

5. Heard Mr.K.Jeyamohan, learned counsel for the petitioner and Mr.P.Thambidurai, learned Government Advocate for the respondents.

6. In view of the submission made by the learned Government Advocate, this Court suo moto impleads the Deputy Director of Health Services, Pudukkottai as the 5th respondent. This Court is inclined to allow this writ petition with specific direction to the petitioner to make a fresh complaint before the 5th respondent. On receipt of the said complaint from the petitioner, the 5th respondent shall consider the same in accordance with law within a period of eight (8) weeks from the date of receipt of a complaint from the petitioner.

7. With the above said observations, this Writ Petition stands allowed.

No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
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L.VICTORIA GOWRI, J.

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