



**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 05.03.2024**

**CORAM:**

**THE HONOURABLE MS.JUSTICE R.N.MANJULA**

**W.P.No.2415 of 2021**

C.Subramanian,  
Inspector of Police,  
Serious Crime Squad,  
District Crime Branch,  
(In-charge) Salem District.

...

Petitioner

***versus***

- 1.The Additional Chief Secretary to  
Government of Tamil Nadu,  
Home (Pol IV) Department,  
Secretariat, Chennai - 600 009.
- 2.The Director General of Police,  
Mylapore, Chennai - 600 004.
- 3.The Inspector General of Police,  
West Zone, Race Course Road,  
Coimbatore.
- 4.The Deputy Inspector General of Police,  
Coimbatore Range,  
Race Course Road, Coimbatore.
- 5.The Superintendent of Police,  
Tiruppur District.



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6.C.Velumani,  
Deputy Superintendent of Police,  
Vazhapadi Sub Division, Salem District.

7.D.Murugesan,  
Inspector of Police,  
Madukkarai Circle,  
Perur Sub Division,  
Coimbatore District.

8.The Inspector of Police,  
Dharapuram Police Station,  
Tiruppur District.

...

Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents 1 to 5 to immediately initiate departmental enquiry and carryout simultaneous prosecution in accordance with Police Standing Order 81, against the 7<sup>th</sup> respondent for his gross criminal misconduct in falsely claiming money to the tune of Rs.8,000/- as expenses for the preparation of the detention order against a notorious/ grave Crime offender one Mahendran /Accused in Cr.No.350/2018 on the file of the 8<sup>th</sup> respondent Police Station in proceeding in Goondas/TPDA No.153/2018 dated 06.09.2018; and consequently direct the respondents 1 to 5, for refund of Rs.8,000/- to the petitioner who only registered and prepared the case and filed the said detention order, based on the petitioner's complaint/representation dated 21.09.2020.

For Petitioner : Mr.M.Purushothaman

For Respondent Nos.1, 5 & 8 : Mr.S.Arumugam  
Government Advocate

For Respondent No.6 : Mr.K.V.Sridharan

For Respondent No.7 : Mr.K.Subbu Ranga Bharathi



## **ORDER**

Heard Mr.M.Purushothaman, learned counsel for the petitioner and Mr.S.Arumugam, learned Government Advocate for the respondents 1, 5 & 8, Mr.K.V.Sridharan, learned counsel for the 6<sup>th</sup> respondent and Mr.K.Subbu Ranga Bharathi, learned counsel for the 7<sup>th</sup> respondent and perused the materials available on record.

2. The petitioner was serving as the Inspector of Police (Crime), Dharapuram Police Station, Tiruppur District. At that point of time, the 7<sup>th</sup> respondent was serving as the Inspector of Police (Law & Order) in the same Station and the 6<sup>th</sup> respondent was the then Deputy Superintendent of Police and petitioner's superior officer. After the petitioner was posted in the crime division, the 6<sup>th</sup> respondent / Velumani and the 7<sup>th</sup> respondent / Murugesan had an eye on him.

3. In view of the family situation, the petitioner had applied medical leave for 10 days i.e. from 13.03.2018 to 22.03.2018 and the same was accepted. Subsequently, he sent a request for extension of medical leave for 22 days through the 7<sup>th</sup> respondent, who was the Station House



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Officer. Without taking any action against the leave extension application and without forwarding the same to the appropriate authorities, the respondents 6 and 7 and the then Superintendent of Police, Tirupur District had proclaimed the petitioner as a 'deserter' and caused the proceedings of the 4<sup>th</sup> respondent / D.I.G. under TNPSS (D&A) Rules, 1955 (P.R.No.32/2018 u/r 3b).

4. A departmental enquiry was conducted and the charge against the petitioner was proved and was given with the punishment of 'deferred censure for six months'. The petitioner's salary due for the months of April 2018 and May 2018 were not disbursed. Hence, the petitioner could not give proper medical treatment to his son and he passed away on 25.09.2018. Subsequently, he was transferred to Salem Range and posted as the Inspector of Police, Karipatti Police Station, Salem District.

5. The petitioner joined duty in the Salem Range and prepared a detention order against one accused by name Mahendran in Crime No.350 of 2018 on the file of the Inspector of Police, Dharapuram Police Station in Goondas/TPDA No.153/2018 on 06.09.2018 and claimed reimbursement of



Rs.8,000/- for the expenses incurred by him. But the District Police Office at Tiruppur had informed that there is no such pending bill to be paid to the petitioner. Aggrieved over the same, the petitioner has filed this Writ Petition.

6. Mr.S.Arumugam, learned Government Advocate for the respondents 1, 5 & 8 submitted that the enquiry has been initiated against the 7<sup>th</sup> respondent and the 7<sup>th</sup> respondent has also participated in the enquiry proceedings. It is further submitted that the petitioner did not turn up for enquiry.

7. Whatever may be the enquiry proceedings initiated by the 5<sup>th</sup> respondent against the 7<sup>th</sup> respondent, this petitioner has got no *locus standi* to file this Writ Petition seeking direction against his own superior officer to initiate disciplinary action against his co-employee. If the petitioner has got any grievance that any fraudulent action has been committed by the 7<sup>th</sup> respondent, his only remedy is by way of filing a criminal case or to file a civil case for damages.



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8. If the petitioner is still aggrieved and if he feels that he has to be properly compensated, it is up to him to file a suit for recovery of damages. If every employee starts filing such petitions by seeking direction against his employer to initiate action against the co-employee that would also amount to insubordination. For the employment contract between the 7<sup>th</sup> respondent and his employer i.e. 5<sup>th</sup> respondent, the petitioner is not a privy. Hence, he has no *locus standi* to file this Petition.

Hence, this Writ Petition is **dismissed**. No costs.

**05.03.2024**

Speaking order / Non-speaking order

Index : Yes / No

Neutral Citation : Yes / No

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**R.N.MANJULA, J.**

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