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W.P.No.7263 of 2024

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2024

CORAM :

The Hon'ble MR.JUSTICE D.BHARATHA CHAKRAVARTHY, J.

W.P.No.7263 of 2024

S.Senthil Nathan

.. Petitioner

-VS-

1. The Principal Secretary to Government,
Health and Family Welfare Department,
Fort St.George, Chennai-09.
2. The Director of Vigilance and Anti Corruption
No.293, MNK Road, Alandur, Chennai-16.
3. The Director General of Police,
State of Tamil Nadu,
Dr.Radhakrishnan Salai, Chennai.
4. D.R.Ilango Maheswaran
Director of Medical and Rural Health Services,
DMS Building, Anna Salai,
Teynampet, Chennai-18

.. Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the official respondents to take action on petitioner's complaint dated 09.02.2024 both departmentally and criminally within the time fixed by this Court.



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For Petitioner : Mr.B.Manoharan
For Respondents : Ms.M.Sneha
Special Govt. Pleader for R-1
: Mr.C.Jayaprakash
Govt. Advocate for RR 2 and 3

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ORDER

The writ petition is filed to direct the official respondents to take action on the petitioner's complaint dated 09.02.2024 both departmentally and criminally within the time fixed by this Court.

2. As far as the departmental action is concerned, this Court has been consistently holding that taking departmental action against his own employee is within the domain of the employer. Merely because the petitioner has made a complaint, that will not give a concomitant right to the petitioner to come by way of mandamus to force the employer to take disciplinary action. It is for the respondents to look into the complaint in accordance with law.



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3. As far as the criminal case is concerned, according to the petitioner, if any offence is committed and if the Vigilance and Anti-Corruption is not taking action, the remedy lies elsewhere. Therefore, giving such liberty to the petitioner to approach the appropriate forum, this writ petition is disposed of. No costs.

19.06.2024

Index : Yes
Website : Yes
Speaking Order

sra

To

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Health and Family Welfare Department,
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D.Bharatha Chakravarthy, J.

(sra)

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