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W.P.No.24845 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.24845 of 2022

M.G.Nelson

...Petitioner

-Vs -

1. The Managing Director,
Metropolitan Transport Corporation,
Pallavan Illam, Annasalai,
Chennai – 2.
2. The Senior Deputy Manager (HRD),
Metropolitan Transport Corporation,
Pallavan Illam, Annasalai,
Chennai -2.
3. The Branch Manager,
Tambaram Depot,
Tambaram, Chennai – 600 045.
4. K.Jeevanantham

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the second respondent in Letter No.026/Paa.Kaa & Ve.Pe/MTC/2021 dated 20.07.2021 and quash the same and direct the first respondent to initiate appropriate departmental action as against the fourth respondent herein based upon the petitioners compliant dated



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07.12.2018, as provided in Rule-19(2) and Rule 23 of the Tamil Nadu Government Servants Conduct Rules, Personnel & Administrative Reforms (A) Department.

For Petitioner : Mr.M.Vijayalakshmi
For Respondents
For R1 to R3 : Mr.R.Balaji
Standing Counsel

ORDER

This writ petition has been filed challenging the order passed by the second respondent dated 20.07.2021, thereby directed the petitioner to file complaint before the jurisdictional police and Court.

2. The fourth respondent is a government servant under the third respondent. He is staying opposite to the house of the petitioner. The petitioner is a married man and he is working in a private firm. While being so, the fourth respondent is having illegal relationship with the petitioner's wife. Therefore, the petitioner lodged complaint before the second respondent to take appropriate action as against the fourth respondent as per Rule 19(2) of the Tamil Nadu Government Servants Conduct Rules. However, the second respondent by the impugned order directed the petitioner to lodge complaint before the jurisdictional police



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and Court.

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3. Heard the learned counsel on either side and perused the materials available on records.

4. Even according to the petitioner, the fourth respondent is having illegal relationship with the petitioner's wife. However, the petitioner did not lodge any complaint before the police station as against the fourth respondent or as against his wife. Therefore, without any complaints no action can be taken as against the fourth respondent as per Section 19(2) of the Tamil Nadu Government Servants Conduct Rules. Therefore, the second respondent rightly rejected the request made by the petitioner and directed him to approach concerned police station or Court. This Court finds no infirmity or illegality in the order passed by the second respondent.

5. Accordingly, the Writ Petition stands dismissed. There shall be no order as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No



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G.K.ILANTHIRAIYAN. J.

rts

To

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Chennai – 2.
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