



W.P.(MD)No.15830 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 01.08.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.15830 of 2024

and

W.M.P.(MD)Nos.13776 & 13777 of 2024

M.Abdullah

... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by the Principal Secretary to Government,
Agriculture Department,
Fort St.George,
Chennai- 600 009.

2. The Director of Agriculture,
Chepauk,
Chennai- 600 005.

3.The Director of Vigilance and Anti Corruption(DVAC),
No.293, M.K.M.Salai,
Alandur, Chennai- 600 016.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India
praying to issue a Writ of Certiorarified Mandamus, to call for the records
pertaining to the impugned proceedings of the 1st respondent dated
14.06.2024 in G.O.(Nilai) No.118 and quash the same and consequently

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direct the 1st respondent to pass orders based on the Enquiry Report submitted by the Enquiry Officers appointed in pursuant to the issuance of G.O.(3D).No.67 dated 31.05.2019, G.O.(3D).No.198 dated 01.10.2020, G.O.(3D).No.166 dated 30.10.2019, G.O.(3D).No.197 dated 01.10.2020, G.O.(3D).No.121 dated 08.6.2020, G.O.(3D).No.9 dated 19.01.2021, G.O.(3D).No.14 dated 25.1.2021, G.O.(3D).No.17 dated 25.1.2021, G.O.(3D).No.18 dated 25.1.2021, G.O (3D)No.19 dated 25.1.2021, G.O.(3D).No.15 dated 25.1.2021, G.O.(3D).No.99 dated 28.06.2019, G.O.(3D).No.16 dated 25.1.2021 and G.O.(3D).No.62 dated 29.04.2019 by the 1st respondent.

For Petitioner : Mr.K.P.S.Palanivel Rajan
Senior Counsel
for Mr.V.Sasi Kumar

For Respondents : Mr.R.Baskaran
Additional Advocate General
assisted by
Mr.N.Ramesh Arumugam
Government Advocate

ORDER

Heard Mr.K.P.S.Palanivel Rajan, learned Senior counsel appearing for Mr.V.Sasi Kumar, learned counsel for the petitioner and

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R.Baskaran, learned Additional Advocate General assisted by Mr.N.Ramesh Arumugam, learned Government Advocate appearing for the respondents.

2. The petitioner has filed this writ petition seeking a Writ of Certiorarified Mandamus challenging the impugned order, dated 14.06.2024 and consequently direct the 1st respondent to pass orders based on the Enquiry Report submitted by the Enquiry Officers appointed in purusant to the various Government Orders issued by the 1st respondent.

3. When the matter came up on 16.07.2024, this Court passed the following order:

“The learned Additional Advocate General drew the attention of this Court to the order passed in WP(MD)Nos.4151 and 12640 of 2018, where a Division Bench of this Court had observed about the nature in which the earlier litigations have been filed by the very same petitioner by invoking the writ jurisdiction and the imposition of cost.



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2. *Despite the same, citing the other judgment and being aware of the earlier order so passed, the learned Senior Counsel for the petitioner insisted that he has a valid case and that he would convince the Court by producing the judgment of the Hon'ble Supreme Court in his favour.*

3. *Though this Court has got convinced about his lack of locus standi to pursue further, in view of the repeated insistence and also by way of giving caution that if he fails to convince this Court about the locus standi, the petitioner will suffer cost, the matter is ordered to be listed on 18.07.2024.”*

4. When the matter is taken up today, the learned Additional Advocate General for the respondents submitted that the petitioner has got no *locus standi* as a third party to question the actions of the respondents or closing the actions eventhough he happened to be the person who was instrumental to initiate the action. In support of his above contention, he relied upon the judgment rendered by the Hon'ble Supreme Court ***Rajnit Prasad v. Union of India and others [(2000)9SCC313]*** wherein the Hon'ble Supreme Court has held as under:



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“9. But a mere busy-body who has no interest cannot invoke the jurisdiction of the Court. In respect of departmental proceedings which are initiated or sought to be initiated by the Government against its employees, a person who is not even remotely connected with those proceedings cannot challenge any aspect of the departmental proceedings or action by filing a Writ Petition in the High Court or in this Court. Disciplinary action against an employee is taken by the Government for various reasons principally for "misconduct" on the part of the employee. This action is taken after a "domestic" enquiry in which the employee is provided an opportunity of hearing as required by the constitutional mandate. It is essentially a matter between the employer and the employee, and a stranger, much less a practising advocate, cannot be said to have any interest in those proceedings. Public interest of general importance is not involved in disciplinary proceedings. In fact, if such petitions are entertained at the instance of persons who are not connected with those proceedings, it would amount to an abuse of the process of Court.”

5. The learned Senior counsel for the petitioner tried to make a distinction on the very same judgment by stating that he has a public interest of general importance and only with that intention he has set the action and so he has got locus.



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6. The learned Additional Advocate General further relied on the order of this Court in W.P(MD)No.44926 of 2023 (S.Raja Chandraekar v. The Government of Tamil Nadu) wherein the following observation has been made:

“6.It is a settled proposition of law that a third party cannot interfere with the departmental proceedings which are initiated or sought to be initiated by the Government against its employees. To be precise, the law is well settled that a third party, who is not connected in any way with any service aspects of an employee could not maintain the Writ Petition as against him, invoking Article 226 of the Constitution of India, on the service side seeking a Writ of Certiorarified Mandamus, to take action against any employee or officials. This aspect has already been dealt with by this Court in W.P(MD)No.8871 of 2018, dated 26.04.2018 (Sudalaikannu Vs. The Principal Secretary to Government, Municipal Administration and Water Supply Department, Secretariat, Chennai and others). The relevant portion of which is extracted as follows:-

“21. If such kind of frivolous litigations are entertained by this Court, that too, in exercising the extraordinary original jurisdiction of this Court under Article 226 of the Constitution of India, this Court is afraid that, there will be pouring of such frivolous litigations by unscrupulous persons every day and that will open the flood gate to so many unscrupulous persons to abuse the process of law, to settle their personal score in the guise of service



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dispute. Therefore, this Court has no hesitation to hold that this petitioner does not have any locus to maintain this writ petition for more than one reason, as he has already been considered to be a frivolous litigant by the Division Bench of this Court.”

7. The petitioner is in the habit of filing various litigations in the name of Public Interest and the same got dismissed with cost and severe warning. Previously, the petitioner filed W.P(MD)Nos.4151& 12648 of 2018 seeking writ of mandamus to initiate action against an officer of the Agricultural Department on the allegation that he has misappropriated the Government funds and this Court has dismissed the said writ petitions vide order dated 12.06.2018 wherein the following order has been passed:

“19.4. Further, the conduct of the petitioner also is important to point out here. On the perusal of the documents filed by the fourth respondent clearly would indicate that the petitioner is not a man of with clean hand. He is a man filing petitions with ulterior motive to get personal benefits. It is just and necessary to point out one of the incidents, where the petitioner threatened the Sub Registrar, Manapparai, who gave complaint against the petitioner making several allegations, which is evident from the document filed by the respondents at page No. 38. An FIR also registered in Crime No.356 of 2015. In another incident, the petitioner gave a complaint to the



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Chief Minister Cell, the Agriculture Minister, Chief Secretary to Agriculture Department and the Director of Agriculture against one R.Chandrasekar on 1.09.2016 making several allegations. However, he has withdrawn the said complaint vide his letter, dated 14.10.2016 admitting the fact that he has given a false complaint and therefore, he withdrew the same. Further, he has stated in the said withdrawal letter that the said Chandrasekar has not done any mistake and hence, requested that there is no further action required. So, it reveals the mala fide motive of the petitioner first to threaten the officials and thereafter, after achieving his personal grievance, he used to withdraw the very complaint. Therefore, the conduct of the petitioner only would indicate that he is not a man of the clean hand and the petitions are filed only to achieve his personal motive. Hence, these writ petitions are liable to be dismissed with exemplary costs and accordingly both writ petitions are dismissed.

20. While dismissing these writ petitions, we have decided to impose a heavy cost of Rs.1,00,000/- (Rs.50,000/- in each petition) on the petitioner, for filing these writ petitions with mala fide intention for his personal gains. Out of which, the petitioner shall deposit a sum of Rs. 50,000/- to the credit of “DT SIDDHA MED OFFICER CCRI PKM, A/C No.10767823177, IFSC CODE:SBIN0000989, MICR CODE:625002601, Bank:SBI, Periyakulam” and shall pay a sum of Rs.50,000/- to “Rojavanam Old Age Home, Uthangudi, Melur Road, Near High Court”, within a period of two weeks from the date of receipt of a copy of this order and the same may be reported to the Registry of this Court.



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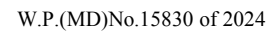
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8. The above observations based on the actions made by the petitioner would show that he is a habitual litigant who has the style of filing similar such litigations to bother the Government officials for self serving reasons. In yet another matter filed by the very same petitioner in W.P(MD)No.10418 of 2021, this Court has passed the following order dated 26.10.2021 cautioning the petitioner to be careful in future.

“5. Since the allegations in the present petition appear to be vague and unsubstantiated and responsible officers have gone through the allegations and have filed a report saying that the allegations are vague and unsubstantiated with little or no material in support, the present petition cannot be carried forward.

6. W.P(MD)No.10418 of 2021 is disposed of without any order. The petitioner is cautioned to be careful when the petitioner invokes this jurisdiction in public interest in future. The petitioner ought to exercise extreme restraint and when allegations of corruption or wrongdoing are levelled, the fullest particulars with material in support ought to be indicated for the Court to take any cognizance thereof. For the present case, no costs are imposed on the petitioner.”

9. This writ petition is one and the same where the petitioner tried his level best to steal the time of the Court for seeking attention to a matter in which he has no locus. Just because the petitioner had given



10. Since the petitioner is a complete third person to the contract between the employer and employee and the right to sue has passed the impugned order. The order does not affect the



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petitioner's interest in no way. There is no material to show that any Public Interest is also affected as alleged by him. As the matter has come to an end after an exhaustive enquiry and the further action has been dropped by the respondents, nothing remains to be revisited at the behest of the petitioner. Hence, this Writ Petition is **dismissed**. No Costs. Consequently, connected miscellaneous petitions are closed.

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NCC: Yes/No
Index : Yes/No
PJJ

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R.N.MANJULA, J.

PJL

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