



W.P.(MD)No.17993 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17993 of 2024

V.Thavasi

... Petitioner

VS.

- 1.The Chief Executive Officer,
Tamil Nadu State Agricultural Marketing Board,
Sippet Road, Thiru.Vi.Ka.Industrial Estate,
Guindy, Chennai - 32.
- 2.The Principal Secretary / Commissioner,
Agricultural Marketing and Agri Business,
Guindy, Chennai - 32.
- 3.The Secretary,
Ramanathapuram Marketing Committee,
Agricultural Marketing and Agri Business,
Ramanathapuram.
- 4.The Deputy Director of Agriculture,
Agricultural Marketing Committee,
District Collector Office,
Salem.
- 5.Seeniammal
Manager,
Agricultural Marketing Committees



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WEB COPY Agricultural Marketing and Agri Business
Virudhunagar. ... 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 3 to expedite the enquiry and pass orders upon the complaint of the petitioner made against the irregularities committed by the 5th respondent within a specified time as stipulated by this Court based upon the petitioner's representation dated 22.07.2024.

For Petitioner : Mr.S.Kishore Kumar

For Respondents : Mr.J.Ashok
Additional Government Pleader
for R1 to R4

ORDER

Heard Mr.S.Kishore Kumar, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government Pleader appearing for the respondents 1 to 4.

2. The petitioner has filed this petition seeking to direct the respondents 1 to 3 to expedite the enquiry and pass orders on his complaint against the irregularities committed by the fifth respondent within a time frame based on his representation dated 22.07.2024.



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3. The petitioner who is a third party and who retired as a Superintendent in the Agricultural Marketing Department, has stated that the fifth respondent is continuously involving in irregularities and causing loss to the exchequer. So, he has preferred a complaint to the first respondent and the Chief Minister Cell by making allegations against the fifth respondent. The petitioner was informed by the first respondent that the complaint has been forwarded to the second respondent for taking appropriate action. The petitioner was also informed by the second respondent that necessary action will be taken on the complaint sent by him. The petitioner was called upon for enquiry on 11.02.2022, on which date, he appeared before the enquiry officer and made his statements. However, once again, the petitioner has sent an application to the second respondent on 22.07.2024 to take action on his earlier complaints dated 22.09.2018 and 15.12.2018. Now, the petitioner has filed this writ petition seeking a mandamus to consider his representation dated 22.07.2024.



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4. When the petitioner has already given a complaint before the appropriate authority and he was informed that appropriate action is being taken by the authorities concerned and he was also called upon to depose his statements, then it is for the authorities concerned to take a call and appraise the situation basing upon the materials available and take a decision whether disciplinary action against the fifth respondent is required or not. If the petitioner frequently sends complaints and representations to the authorities and if they did not take action, no direction can be given to the respondents 1 to 4 as though there is an employment contract between the petitioner and the respondents 1 to 4. Since enforcing disciplinary action on the fifth respondent is on the shoulders of the respondents 1 to 4, they have to take a decision without any external disturbance. The petitioner who is retired from service should allow the authorities who are now functioning within the department to execute their functions within power and discretion.



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5. With the above observations, the writ petition is disposed of.

No costs.

31.07.2024

NCC: Yes/No

Index : Yes/No

Speaking/Non-Speaking order

mbi

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R.N.MANJULA, J.

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