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W.P(MD)No.19028 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Reserved on	:	08.07.2024
Pronounced on	:	01.08.2024

CORAM :

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

W.P(MD)No.19028 of 2023

G.Subramanian

... Petitioner

Vs.

The Director,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandhur,
Chennai-600 016.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a writ of mandamus or any other order of direction in the nature of the writ of mandamus directing the respondent to consider the petitioner's representation dated 30.01.2023 to take appropriate action against the offenders under the Prevention of Corruption Act in respect of the illegal appointment made in favor of the said A.Rajesh Kanna and further direct the authorities to recover the entire amount illegally received by A.Rajesh Kanna in accordance with law.

For Petitioner	:Mr.S.Srikanth, for M/s.APN Law Associates
For Respondent	:Mr.S.Ravi, Additional Public Prosecutor



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ORDER

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The writ petitioner sent a representation dated 30.01.2023 to the 1st respondent to enquire into his allegation of misappropriation of government fund by way of the distribution of the salary to one Rajesh Kanna who had been accommodated in the unapproved post in the aided Government college of S.Ramasamy Naidu Memorial College, Sattur.

2. The Learned counsel for petitioner would submit that he was appointed on 08.04.1996 in the Government aided private college namely S.Ramasamy Naidu Memorial College, Sattur as a lecturer in the computer science. On that day the sanctioned strength of the teacher in the computer science department is only four. But, the said Rajesh Kanna had been accommodated in the computer science department and salary was disbursed. The said accommodation was against the order of this court in W.P.(MD).No. 3151 of 2009 dated 18.09.2014. Therefore he seeks action against all authorities of Educational Department and the said Rajesh Kanna and the college authorities.



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3. The Learned Additional Public Prosecutor on instruction submitted that before appointment of the petitioner in the approved vacancy, Rajesh Kanna was appointed. The said appointment was challenged by the writ petitioner, in the said writ petition this court passed detailed order with several directions. In the said order appointment was not set aside and directed to fix the seniority of the said Rajesh Kanna with effect from 11.08.2008. There is a further direction that the said Rajesh Kanna is entitled to receive the salary from 16.08.2007 to 11.08.2008. Admittedly, the petitioner has not actually worked between the period 16.08.2007 and 13.08.2014. Therefore, he is not entitled to receive any monetary benefit for that period.

4. Subsequently, according to the petitioner the said Rajesh Kanna was accommodated in the computer department instead of appointing him in some other department. Therefore, he is to be treated as excess staff in the computer department and hence the salary disbursed to him is not in accordance with law. Therefore, there is a misappropriation of the salary amount and hence he seeks criminal action against the said Rajesh Kanna and other officials concerned.



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5. This court perused the entire records and the documents submitted by the petitioner. At the outset, the petitioner filed this petition in a misconceived way and there is no *bona fides* in this petition. The said Rajesh Kanna was appointed prior to the appointment of the petitioner. The petitioner's entitlement was decided only in W.P.(MD).No. 3151 of 2009 dated 18.09.2014. This Court issued various directions to the Educational authorities to appoint the writ petitioner and also directed to accommodate the said Rajesh Kanna in the said college. The said Rajesh Kanna has been continuously working and his seniority was fixed only on the basis of the order of this court in W.P.(MD).No. 3151 of 2009. He received the salary for his work. The recovery order issued by the department against the college authorities also was quashed by this Court in W.P.(MD).No.25833 of 2022 in which the petitioner had been arrayed as a party. The same was not challenged by the petitioner. In view of the said circumstances, this Court finds no material to direct criminal action against any of the officials including the said Rajesh Kanna and the present complaint is made with sinister motive. Apart from that salary was not disbursed for the work he has not done. He was discharging his duties and received the salary. Therefore, this Court finds no merit in the petition.



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6. Accordingly, the writ petition dismissed. No costs.

01.08.2024

NCC :Yes/No
Index :Yes/No
Internet : Yes/ No
vsg

To

1.The Director,
Directorate of Vigilance and Anti-Corruption,
No.293, MKN Road,
Alandhur, Chennai-600 016.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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K.K.RAMAKRISHNAN.J.,

vsg

Order made in
W.P(MD)No.19028 of 2023

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