



WP(MD). No.17005 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

Date : 27/02/2024

CORAM

**THE HON'BLE MR.SANJAY V.GANGAPURWALA,
CHIEF JUSTICE**

and

THE HON'BLE MR.JUSTICE G.ILANGO VAN

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Velmurugan

... Petitioner

Vs

1. State of Tamil Nadu,
Rep. by its Secretary, Department of
Backward Class, Mbc & Minority Welfare,
Fort.St.George, Chennai.

2. The Special Commissioner And,
Director of Mbc & Dnc, Ezhilagam,
Chepauk, Chennai.

3. The District Backward Class,
& Minority Welfare Officer,
Ramanathapuram District, Ramanathapuram.

4. The District Collector,
Ramanathapuram District, Ramanathapuram.

5. The Director of Vigilance and
Anti Corruption, No.293, Mkn Road,
Alandur, Chennai 600 016.

... Respondents



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PRAYER :-Writ Petition is filed for issuance of a Writ of Certiorarified Mandamus call for the records of the impugned order in petition No. 1048/2018/ADW/RM dated 08.02.2018 issued by the 5h respondent and quash the same as illegal and consequently direct him to conduct preliminary enquiry on the petitioners complaint and to take further course of action in accordance with law and to direct the respondents 1 to 4 to take necessary departmental action against the erring officials in accordance with law within a time frame as fixed by this Court.

For Petitioner : M/s.Gokul Abhimanyu

For Respondents : Mr.P.Thilak Kumar

Government Pleader for R1 to R4

Mr.E.Antony Sahaya Prabhakar

Additional Public Prosecutor for R5

ORDER

**[Order of the Court was made by
The Hon'ble The CHIEF JUSTICE]**

Heard the learned counsel for the petitioner, learned Government Pleader for the respondents 1 to 4 and the learned Additional Public Prosecutor for the respondent No.5

2. The learned Advocate for the petitioner submits that the petitioner is a former student of the hostel run by the respondent No.3.



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One Mr.Stephen was the Warden of the said hostel. The said Mr.Stephen had shown that 200 inmates are admitted in the hostel. However, on receipt of the information of the four institutions, which admit the students in the hostel, only 90 students are admitted. The said Mr.Stephen has misappropriated the amount of about Rs.30 lakhs. The petitioner approached the respondent No.5. However, no cognizance is taken by the respondent No.5 on the ground that no details are given.

3. The learned Government Pleader, on instructions, submits that Mr.Stephen retired about two years back. The department enquiry was initiated against the said person, charges were framed under Section 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, an enquiry was conducted and punishment was imposed of stoppage of one increment.

4. It appears that the department has taken steps as against the said person and punishment was also imposed upon him. To pass further orders against him, he is not made as a party respondent in the present writ petition. However, it is always open to the police department to take



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steps, in case, the charges of misappropriation, criminal breach of trust and cheating are made out. It is for the respondent No.5 to consider the same. The respondent Nos.3 to 5 shall adhere to the provisions of law, if the statute mandates them to conduct enquiry, they shall adhere to the same.

5. With this observation, the writ petition stands disposed of. However, there shall be no order as to costs.

[S.V.G., CJ.]

[G.I., J.]

27.02.2024

NCC : Yes/No
Index : Yes/No

RR



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Chepauk, Chennai.
3. The District Backward Class,
& Minority Welfare Officer,
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G.ILANGOVAN, J.

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