



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 18.02.2025

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P.No.4235 of 2025

V.Mohan

..Petitioner

Vs.

1. The Government Secretary,
Revenue and Disaster Management Department,
St. George Fort, Secretariat,
Chennai 600 009

2. The District Collector,
O/o. The Collector Office,
Thiruvannamalai District.

3. The Enquiry Officer / The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Arni, Thiruvannamalai District.

4. Smt.Bhuvaneswari

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records relevant to the order in Na.Ka. M3 / 2180224 / 2024 dated 09.11.2024 passed by the 2nd respondent and quash the same as illegal, improper and against principles of



WEB COPY

natural justice and Circular No 6 / 2015 Rc No. Ser3 (4) / 7621 / 2015 dated 30.06.2015 issued by the office of 1st Respondent as per the Tamil nadu Civil Service Discipline and Appeal Rules and thereby, direct the respondents 1-3 to take appropriate departmental action as against 4th respondent as expeditiously.

For Petitioner : Mr.A.Rakeshkanna

For Respondents : Mr.P.Sathish
Additional Government Pleader
for R1 to R3

ORDER

This writ petition has been filed challenging the impugned proceedings of the 2nd respondent dated 09.11.2024 and for a consequential direction to the 2nd respondent to initiate action against the 4th respondent under the relevant service rules.

2. Heard Mr.A.Rakeshkanna, learned counsel for the petitioner and Mr.P.Sathish, learned Additional Government Pleader for respondents 1 to 3.

3. The petitioner has a personal grievance against the 4th respondent and a criminal complaint has been given in this regard and an FIR came to be



WEB COPY

registered in Crime No.226 of 2023 by the Kalasapakkam Police Station, Thiruvannamalai, wherein the 4th respondent has been added as A2. The FIR was registered for offence under Section 294(b), 323, 324, 506(ii) of IPC. Based on the same, the petitioner wanted the 2nd respondent to take disciplinary action against the 4th respondent. Since the same was not acted upon, the petitioner filed WP No.5971 of 2024 and this Writ petition was disposed of by an order dated 07.03.2024 directing the concerned authority to deal with the representation made by the petitioner. Since the directions were not complied with, the petitioner also filed Contempt Petition No.3316 of 2024. During the pendency of the contempt petition, the petitioner was informed that proceedings dated 09.11.2024 has been issued by the District Collector and if the petitioner is aggrieved by the same, he can work out his remedy in the manner known to law and accordingly, the present writ petition has been filed before this Court.

4. In the considered view of this Court, initiation of disciplinary proceedings against an employee is the prerogative of the employer. The same cannot be thrust upon an employer by any third party. It is true that the FIR is pending against the 4th respondent. If there is any progress in the criminal



WEB COPY

prosecution against the 4th respondent, obviously, the concerned authority will take action under the relevant service rules. The petitioner cannot put pressure on the employer and compel the employer to initiate action. A mandamus can never be issued in this regard. Hence, if there is any progress in the criminal case which results in the arrest or filing of the police report against the 4th respondent, that may give rise to initiation of disciplinary proceedings under the relevant Service Rules. Except giving this clarity, this Court does not find any ground to interfere with the impugned proceedings of the 2nd respondent dated 09.11.2024.

5. This writ petition is disposed of in the above terms. No costs.

18.02.2025

Index : Yes/No
Internet : Yes/No
Speaking Order / Non Speaking Order
rka



WEB COPY

To

1. The Government Secretary,
Revenue and Disaster Management Department,
St. George Fort, Secretariat,
Chennai 600 009
2. The District Collector,
O/o. The Collector Office,
Thiruvannamalai District.
3. The Enquiry Officer / The Revenue Divisional Officer,
O/o. The Revenue Divisional Officer,
Arni, Thiruvannamalai District.



WEB COPY



N. ANAND VENKATESH, J.
rka

W.P.No.4235 of 2025

18.02.2025