



WP.No.26184 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 12.08.2025

CORAM
THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.26184 of 2015

P.Ramamurthy

.. Petitioner

Versus

1. National Commission for Scheduled Castes
2nd Floor, Block-5, Shastri Bhavan
Chennai

2. The Deputy Inspector General of Police
Coimbatore Zone, Coimbatore District

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 1st respondent to pass final order on petitioner's complaint dated 13.04.2015 vide complaint reference Number: 153361614029829 pending before the 1st respondent.

For Petitioner : Mr.S.Sathichandran
For Respondents : Mr.A.Murugan for R1, CGC
Mr.R.Vinothraja
Government Advocate (Crl.Side)

ORDER

This writ petition has been filed seeking for direction to the 1st respondent to pass final order on petitioner's complaint dated 13.04.2015 vide complaint reference Number: 153361614029829 pending before the 1st respondent.



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2. It is the contention of the writ petitioner that he joined as a police constable on 26.12.1985 and promoted as Head Constable in the year 2012. While he was working as Incharge in Kunnathur Police Station, the team headed by the Inspector of Police, R.Senthil Kumar went to Kunnagalparai Village, Thingalur Police Station for raid and the team arrested 24 members for the offences playing cards betting several lakhs of rupees and remanded the said persons, on the same day, FIR was registered. The said Inspector of Police looted out about Rs.4 lakhs and told the petitioner to take Rs.1000 from out of the raid amount, however, the same was refused the petitioner. Thereafter, the petitioner lodged a complaint before the Superintendent of Police against the Inspector, the petitioner was assured that necessary action will be taken against the Inspector, thereafter, the petitioner went on medical leave with permission, however, the authority has passed an award awarding the punishment of compulsory retirement from service. Challenging the same, a writ petition is filed and the same is pending.

3. In view of the continuous action of the higher officials, the petitioner preferred a complaint before the first respondent seeking to conduct enquiry and take appropriate action against the said person. The first respondent directed the 2nd respondent to conduct enquiry. The second



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respondent issued summons to the petitioner and the petitioner appeared and submitted his written submission and the same was recorded. The first respondent has not passed any order. Hence, made a representation seeking for passing of final order and the same is pending. Hence, this writ petition for a direction to the first respondent to pass final order on the complaint of the petitioner.

4. The learned counsel for the petitioner submitted that the first respondent National Commission for Scheduled Castes has powers to enquire into the issue and pass orders.

5. Heard both sides and perused the materials placed on record. The object of the constitution of National Commission for Scheduled Castes are:-

(a) to investigate and monitor all matters relating to the safeguards provided for the Scheduled Castes under the Constitution or under any other law for the time being in force or under any order of the Government and to evaluate the working of such safeguards;

(b) to inquire into specific complaints with respect to the deprivation of rights and safeguards of the Scheduled Castes;

(c) to participate and advise on the planning process of socio-economic development of the Scheduled Castes and to evaluate the progress of their



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development under the under the Union and any State;

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(d) to present to the President, annually and at such other times as the Commission may deem fit, reports upon the working of those safeguards;

(e) to make in such report recommendations as to the measures that should be taken by the Union or any State for the effective implementation of those safeguards and other measures for the protection, welfare and socio-economic development of the Scheduled Castes; and

(f) to discharge such other functions in relation to the protection, welfare and development and advancement of the Scheduled Castes as the President may, subject to the provisions of any law made by Parliament, by rule specify.

6. The very allegations in the writ petition itself indicate that he was proceeded departmentally and action has been taken by the Department and punishment of compulsory retirement was imposed. When the Department has taken action departmentally for the alleged delinquency, such actions cannot be challenged before the Commission. In fact, the Commission has no power to look into the action taken by the Department. The Commission can inquire and investigate the specific complaint with respect to the deprivation of rights and safeguards of the Scheduled Castes. Only when the rights and safeguards of the Scheduled Castes provided as under the Constitution has been deprived, the Commission can enquire into such specific complaints with respect to the



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deprivation of the rights and safeguards of the Scheduled Castes. Therefore, when the legal action has been initiated by the Department as per law, those actions cannot be a subject matter of the Enquiry before the National Commission for Scheduled Castes.

7. The affidavit of the petitioner itself indicate that the Commission has forwarded the complaint to the second respondent. The second respondent also enquired. In view of the above, the Commission cannot pass final order as against the departmental proceedings initiated by the Department. Hence, this Court is of the view that the very issuance of mandamus directing the Commission to pass final order is nothing but clear abuse of process of law.

8. Accordingly, this petition stands dismissed. No costs.

12.08.2025

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Index : Yes/No
Internet : Yes/No

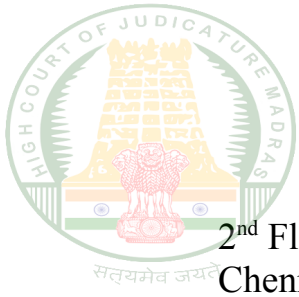
N.SATHISH KUMAR, J.

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To,

1. National Commission for Scheduled Castes

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2. The Deputy Inspector General of Police
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