



W.P.No.36436 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 28.04.2025

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THE HONOURABLE MR.JUSTICE M.NIRMAL KUMAR

W.P.No.36436 of 2024

P.K.Murugesan

... Petitioner

Versus

1.The Director General,
Highways Department,
HRS Complex, Guindy,
Chennai.

2.The Director of Vigilance and Anti-Corruption,
No.293, M.K.N Road,
Collectors Nagar,
Alandur, Chennai-600 016.

3.The Commissioner
Tribunal for Disciplinary Proceedings,
5/1842/A, Trichy Main Road,
Ramanathapuram, Coimbatore.

4.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption
3/14, Appavu Nagar, 1st cross,
Dharmapuri-636 701.

... Respondents

Prayer:- Writ petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the 2nd respondent to consider the petitioner's representations dated 21.06.2023 and 10.07.2024 and



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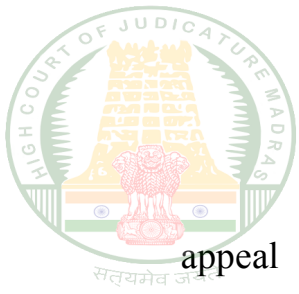
handover all the seized records filed in TDP Case No.117/88 under Crime No.5/83 within a time frame.

For Petitioner : Ms.J.Sabitha
For R1 & R3 : Mr.P.Balathandayuthapani
Special Government Pleader
For R2 & R4 : Mr.S.Udayakumar
Government Advocate (Crl.Side)

ORDER

The petitioner, aged 85 years, is a retired Junior Engineer from the Highways Department and was superannuated on 30.06.2002. While in service, a case in Crime No.5 of 1983 was registered against him by the respondent police for possession of disproportionate asset. Pursuant to the registration of the case, a search was conducted on 25.10.1983 at the petitioner's residence in Batchapet, Harur, during which, 76 documents were seized. On the same day, 26 documents were seized from Pudupatti village, Harur.

2. After completion of the investigation, the respondent police filed a case in TDP Case No.117 of 1988. In the said proceedings, the Commission of Disciplinary Proceedings held the charges proved against the petitioner. On



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appeal to the Government, the Government passed final orders in G.O(D).No.71 dated 30.04.2009 imposing a penalty of reduction in pension by Rs.500/- per month for a period of three years, which has since been completed.

3. The petitioner now seeks return of the seized 76 documents from Harur and 26 documents from Pudupatti, seized on 25.10.1983. In this regard, he submitted a representation to the respondent on 21.06.2023 followed by another representation dated 02.09.2024. Though the respondent acknowledged receipt of the representations and issued a communication dated 18.09.2024, no further action has been taken, despite an additional representation dated 10.07.2024. Hence the present petition has been filed.

4. The learned Government Advocate (Crl.Side) appearing for the respondents 2 and 4 produced copies of letters addressed to the Director General, Highways Department dated 30.12.2024 and 15.04.2025 and also filed his counter, which is as follows:-

"3. It is humbly submitted that a Disproportionate Asset case in Crime No.5/AC/1983 was registered against the petitioner under Section



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5(1)(e) and 5(2) of the Prevention of Corruption Act and 109 IPC registered on 17.10.1983. Further, the connected case records and CD files along with the documents were handed over to Mr.M.Kuppusamy, then Inspector of Police, V & AC, Erode detachment on 01.07.1985 for conducting further investigation. After completion of investigation, the case was recommended to Tribunal for Disciplinary Action and connected case records and documents were handed over to the Commissioner of Disciplinary Proceedings, Coimbatore on 17.08.1988 for conducting Tribunal enquiry.

4.It is futher submitted that the Tribunal for Commissioner of Disciplinary Proceedings, Coimbatore after conducting Tribunal enquiry in TDP No.117/88, under the reference ROC No.60/98/A1, dated 06.06.2001 sent the enquiry findings along with all original case records pertaining to this case to the Secretary to Government, Rural Development Department, Secretariat, Chennai for passing final orders and the same was acknowledged by the Deputy Secretary to the Government, Rural Development (E3) Department, Secretariat, Chennai-9.

5.It is further revealed from the reference in Lr.No.24830/E3(2)2001-2014 dated 01.04.2023 of



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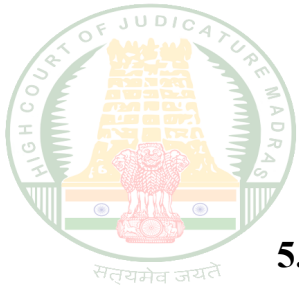


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Deputy Secretary to Government, Rural Development (E3) Department, Secretariat, Chennai-9 had sent the same to Highways Department, since the appointing authority of the petitioner herein is the Chief Engineer (General), Highways Department, Chennai.

6.It is further submitted that after perusing the enquiry findings of the Tribunal for Disciplinary Proceedings, Coimbatore, the Government passed final order vide in G.O.(D) No.71 of Highways and Minor Ports (H2) Department, dated 30.04.2009, wherein it was stated that 3 out of 4 allegations were held as proved against the petitioner herein and ordered to cut in the pension at the rate of Rs.500/- per month for three years.

7.Further, it is submitted that when the Commissioner for Disciplinary Proceedings was requested to furnish the documents sought by the petitioner Tr.P.K.Murugesan, it was replied by way of letter in Na.Ka.No.304/2024/A3 dated 03.12.2024 stating that the required documents are now under the custody of the Chief Engineer (General), Highways Department being the appointing authority of the petitioner."



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5. Mr.P.Balathandayuthapani, learned Special Government Pleader appearing for the 1st and 3rd respondent submitted that pursuant to the communication from the Secretary to Government, in letter No.9493321/HL2/2025-4, dated 25.04.2025, a search is being conducted to trace the documents that were seized from the petitioner by the Vigilance and Anti-Corruption Department. He further submitted that the search will be completed shortly and the documents will be handed over to the petitioner within a period of two months i.e., on or before 04.08.2025.

6. Recording the above said submissions, this Writ Petition is disposed of. No costs.

7. Post the matter for reporting compliance on 04.08.2025.

28.04.2025

Note: Issue Order Copy on 02.05.2025

Speaking order/Non-speaking order

Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No

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To

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Highways Department,
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Chennai.

2.The Director of Vigilance and Anti-Corruption,
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4.The Deputy Superintendent of Police,
Vigilance and Anti-Corruption
3/14, Appavu Nagar, 1st cross,
Dharmapuri-636 701.

5.The Public Prosecutor,
High Court of Madras,
Chennai.



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M.NIRMAL KUMAR, J.

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