

W.P.(MD)No.16928 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **14.07.2026**

CORAM

THE HONOURABLE **MR.JUSTICE MUMMINENI SUDHEER KUMAR**

W.P.(MD)No.16928 of 2025
and
W.M.P.(MD)No.12821 of 2025

T.Selvakumar

... Petitioner

vs.

1.The Director General of Police and
Chief of Prisons and Correctional Services,
6, Whannels Road, Egmore,
Chennai 600 008.

2.The Deputy Inspector General of Prisons,
Madurai Region,
A.A. Road, Arasaradi,
Madurai 625 016.

3.The Superintendent of Prisons,
Central Prison, Arasaradi,
Madurai 625 016.

4.S.Jayaraman

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, for issuance of Writ of Certiorarified Mandamus, to call for the records relating to the order No. 270/२७.2/2019 dated 17.03.2025 passed by 2nd respondent and quash the same and consequently reinstate the petitioner into service with effect from 15.05.2018 and



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grant all the service and monetary benefits within a time limit to be fixed by this Court.

For Petitioner : Mr.B.Karunanithi

For R-1 to R-3 : Mr.M.Dinesh Hari Sudarsan
Counsel for Government of Tamil Nadu

ORDER

Heard Mr.B.Karunanithi, learned Counsel for the Petitioner and Mr.M.Dinesh Hari Sudarsan, learned Counsel for Government of Tamil Nadu, who takes notice for Respondents 1 to 3.

2. This Writ Petition has been filed for issuance of Writ of Certiorarified Mandamus, challenging the order No. 270/2019 dated 17.03.2025 passed by the 2nd respondent and consequently reinstate the petitioner into service with effect from 15.05.2018 and grant all the service and monetary benefits.

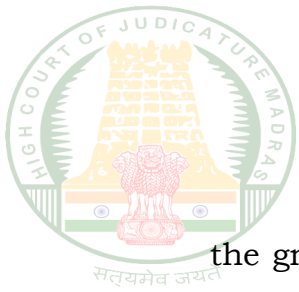
3. The petitioner herein, while working as a Grade-I Warder at the District Prison, Dindigul, was subjected to disciplinary proceedings by placing under suspension on 15.05.2018. Thereafter, a charge memo dated 30.05.2018 was issued, and a detailed enquiry was conducted into the charges levelled against the petitioner. The 3rd



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respondent herein passed an order dated 11.12.2018 imposing the punishment of dismissal from service. Aggrieved by the same, the petitioner filed an appeal before the 2nd respondent, and the 2nd respondent, vide order dated 23.04.2019, modified the punishment of dismissal from service to that of compulsory retirement. Against the said order dated 23.04.2019, the petitioner filed a further appeal before the 1st respondent, which came to be rejected on 13.09.2021.

4. Aggrieved by the said orders of punishment and modification passed by respondents 1 to 3, the petitioner, on an earlier occasion, approached this Court by filing W.P.(MD) No.1540 of 2022. The said Writ Petition was disposed of by this Court vide order dated 13.03.2024 after examining the matter in detail and arriving at the conclusion that the respondents had proceeded against the petitioner in the absence of relevant evidence and in the absence of any positive material indicating the petitioner's role in the supply of prohibited materials to the prisoners and the Department had proceeded to inflict a major punishment. Accordingly, this Court recorded a finding that the punishment of compulsory retirement imposed on the petitioner was shockingly disproportionate and remanded the matter to the 2nd respondent herein for passing appropriate orders commensurate with

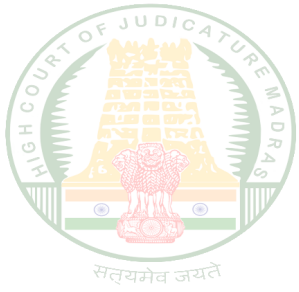


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the gravity of the petitioner's role in the alleged charges. The relevant paragraph of the said order dated 13.03.2024 passed in W.P.(MD) No. 1540 of 2022 reads as follows:

“13. Fully fortified by the observation of the Hon'ble Apex Court in the judgment cited supra, I find it necessary to exercise the power of judicial review and mention that the respondents have proceeded as against the petitioner in the absence of relevant evidence as deposed by the various witnesses examined on behalf of the Department in the departmental enquiry. In the absence of any positive mentioning of the petitioner's role in supply of prohibited materials to the prisoners and on the prison premises, the Department has proceeded to inflict the major punishment. Though the 2nd respondent in appeal had reduced the same to the compulsory retirement, this Court is of the view that the same is shockingly disproportionate in the absence of constructive evidence as against the petitioner.

14. In view of the same, I am inclined to quash the impugned orders passed against the petitioner and remand back the same to the 2nd respondent for proper appreciation and pass appropriate orders commensurating to the gravity of the role of the petitioner in the alleged charges.”



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5. The said order dated 13.03.2024 passed by this Court in W.P.(MD) No.1540 of 2022 has attained finality. Pursuant to the said order passed by this Court, the 2nd respondent has now issued proceedings No.270/2019 dated 17.03.2025 confirming the punishment of compulsory retirement from service, in total disregard of the directions issued by this Court. As is evident from paragraphs 13 and 14 of the order dated 13.03.2024, this Court had recorded a categorical finding that there was no sufficient evidence on record to establish the role of the petitioner in the commission of the alleged charges. Having recorded such a finding, this Court held that the punishment of compulsory retirement from service for the proved charges was shockingly disproportionate and directed the 2nd respondent to pass appropriate orders imposing a punishment commensurate with the charges proved against the petitioner.

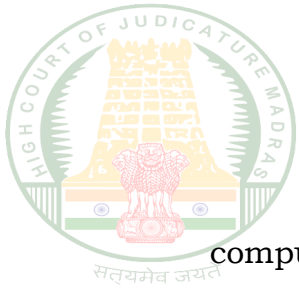
6. From the above, it is amply clear that this Court has expressed the view that the punishment of compulsory retirement is disproportionate and that the 2nd respondent is expected to impose a punishment other than compulsory retirement and, obviously, a lesser punishment than compulsory retirement. However, in the instant case, the 2nd respondent, vide the impugned proceedings, has passed



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the order in violation of the directions issued by this Court and has once again reiterated the punishment of compulsory retirement from service, thereby totally ignoring the order passed by this Court. In a way, the action of the 2nd respondent in giving a go-by to the categorical findings recorded and the directions issued by this Court in its order dated 13.03.2024 amounts to a violation of the said order.

7. Taking into consideration the fact that the 2nd respondent had, on an earlier occasion, exercised his discretion and modified the punishment of dismissal from service imposed on the petitioner by the 3rd respondent to that of compulsory retirement, and that this Court had come to the conclusion that such discretion was not properly exercised and consequently remanded the matter back to the 2nd respondent, this Court is, however, for the present not inclined to initiate suo motu contempt proceedings against the 2nd respondent. Though this Court was initially inclined to modify the impugned punishment of compulsory retirement to an appropriate lesser punishment, taking into consideration the age of the petitioner and the fact that he has been drawing pension since the year 2018, it is inclined to afford one more opportunity to the 2nd respondent to impose an appropriate punishment on the petitioner, instead of



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compulsory retirement. Needless to add, such punishment shall be

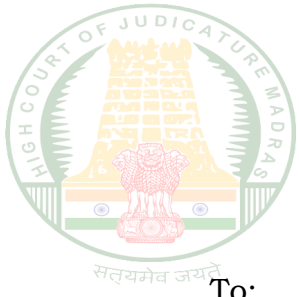
WEB COPY lesser than the punishment of compulsory retirement.

8. In the light of the above, the impugned proceedings in 270/2019 dated 17.03.2025, is hereby **quashed**. The Writ Petition is **allowed**, and the matter is remanded to the 2nd respondent for imposing a punishment lesser than compulsory retirement, in terms of the order passed by this Court dated 13.03.2024 in W.P.(MD) No.1540 of 2022. The 2nd respondent shall pass appropriate orders, as directed above, as expeditiously as possible, and in any event within a period of four weeks from the date of receipt of a copy of this order, and communicate the same to the petitioner.

There shall be no order as to costs. Consequently, the connected miscellaneous petition is closed.

14.07.2026

Index :Yes / No
Internet :Yes / No
NCC :Yes / No
Nsr



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To:

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Chief of Prisons and Correctional Services,
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MUMMINENI SUDHEER KUMAR, J.

Nsr

Order made in
W.P.(MD)No.16928 of 2025

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