

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.06.2015

CORAM

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

W.P.No.16145 OF 2015

I.Ganesan

[PETITIONER]

Vs

- 1 State of Tamilnadu rep. by the
Principal Secretary to Government,
Home (Prisons-2) Department
Fort St. George, Chennai-9
- 2 The Additional Director General of Prisons
Chennai-8
- 3 The Deputy Inspector General of Prisons,
Central Prison, Coimbatore.
- 4 The Superintendent of Prisons
Central Prison, Coimbatore-8.
- 5 The Superintendent of Prisons
Central Prison, Salem.
- 6 The Principal Accountant General
(Accounts and Entitlements)
Teynampet, Chennai-18.
- 7 The Treasury Officer,
District Treasury, Salem

[RESPONDENTS]

Writ petition is filed under Article 226 of the Constitution of India praying for a writ of certiorarified mandamus to call for the records relating to the (i) memo bearing No.5586/Po.4/02 dated 30.6.2003 the 4th respondent herein namely the superintendent of Prisons Central Prison Coimbatore-18 (ii) order bearing No.9055/Thao/2003 dated 21.5.2004 the 3rd respondent herein namely the Deputy Inspector General of Prisons Central Prison Coimbatore (iii) proceedings bearing No.36882/EW.1/2004 dated 1.11.2004 of the 2nd respondent herein namely the Additional Director General of Prisons Chennai-600 008 (iv) G.O.(10 years) No.246 Home (Prisons.2) Department dated 23.2.2007 issued by the 1st respondent herein namely the Principal Secretary to Government Home (Prisons.2) Department Fort St. George Chennai-9 quash all the above said four orders and

consequently to direct the first respondent herein to restore the original pension of the petitioner in the post of Assistant Jailor.

For Petitioner : Mr.K.S.Govinda Prasad

For Respondents : Mr.V.Jayaprakash Narayanan
Special Government Pleader

O R D E R

With the consent of the learned counsel appearing on either side, the Writ Petition is taken up for final disposal at the admission stage itself.

2.The petitioner has come forward with this Writ Petition for quashing the (i) memo bearing No.5586/Po.4/02 dated 30.6.2003 the 4th respondent (ii) order bearing No.9055/Thao/2003 dated 21.5.2004 the 3rd respondent (iii) proceedings bearing No.36882/EW.1/2004 dated 1.11.2004 of the 2nd respondent (iv) G.O.(10 years) No.246 Home (Prisons.2) Department dated 23.2.2007 issued by the 1st respondent and consequently to direct the first respondent to restore the original pension of the petitioner in the post of Assistant Jailor.

3.The petitioner was imposed with the punishment of stoppage of increment for two years without cumulative effect by an order dated 30.6.2013. As against the said punishment order, the appeal filed by the petitioner dated 21.05.2004 was dismissed and the further appeal filed against the said order dated 21.05.2004, was also dismissed by the Government, by its order dated 23.02.2007. Further, the petitioner has already been retired from service in 2011 and now the petitioner has come forward with this Writ Petition for the aforesaid prayer.

4.As the Writ Petition suffers from laches, I am of the view that the Writ Petition is liable to be dismissed. Accordingly, the Writ Petition fails and the same is dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

rpa

To

- 1 The Principal Secretary to Government,
Home (Prisons-2) Department
Fort St. George, Chennai-9
- 2 The Additional Director General of Prisons
Chennai-8
- 3 The Deputy Inspector General of Prisons,
Central Prison, Coimbatore.
- 4 The Superintendent of Prisons
Central Prison, Coimbatore-8.
- 5 The Superintendent of Prisons
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- 6 The Principal Accountant General
(Accounts and Entitlements)
Teynampet, Chennai-18.
- 7 The Treasury Officer,
District Treasury, Salem

1 CC to Mr.K.S.Govinda Prasad , Advocate SR.No. 28362

1 CC to the Government Pleader, SR.No. 28097

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BR (CO)
PSI (19.06.2015)

सत्यमेव जयते

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