

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08-09-2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

WRIT PETITION No.28278 of 2015

and

M.P.No.1 of 2015

P.Prithivirajan

... Petitioner

Vs

1. State of Tamil Nadu
Rep. By Secretary
Home Department
Fort St. George
Chennai 600 009
2. The Additional Director General
of Police/Inspector General of Prisons
Tamil Nadu, Chennai 600 008
3. The Superintendent of Prison
Central Prison, Salem 7.

... Respondents

Writ petition filed under Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondents to consider the petitioner's posting as Assistant on promotion to one of the vacancies available at Central Prison at Salem or District Jail at Attur.

For Petitioner : Mr.A.V.Bharathi

For Respondents : Mr.S.Gunasekaran
Government Advocate

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ORDER

By consent, the writ petition itself is taken up for final disposal.

2.The petitioner would state that he has joined the services of the third respondent as Junior Assistant on 11.1.1993, and at present, is working in that capacity, at the Central Prison, Salem. He would claim that for the past 23 years, he has rendered hard,

sincere and unblemished service to the satisfaction of his Senior Officers and vide proceedings dated 23.5.2015, of the second respondent, his name was included in the approved list of candidates fit for promotion to the post of Assistant in the Tamil Nadu Ministerial Service of the Prison Department, for the year 2015-2016.

3.It is further stated by the petitioner that he was optimistic that he would be promoted in the available vacancy as Assistant in the Central Prison, Salem itself; however, the second respondent vide proceedings dated 17.8.2015, has posted the petitioner as Assistant at the Central Prison, Vellore and to his shock and surprise, he came to know that the other persons, who were promoted, were given accommodation in the same place, whereas, he alone was transferred and posted at the Central Prison, Vellore.

4.The petitioner would further state that his family consists his wife and two children, and they are staying in Salem and so also his mother, who is under medical treatment, and therefore, his presence is absolutely necessary to take care of them and in this regard, he has submitted a representation dated 18.8.2015, through e-mail, to the second respondent praying for his transfer to the Central Prison at Salem and since no response is forthcoming, came forward to file this writ petition.

5.Heard the submissions of the learned Counsel appearing for the petitioner, and Mr.S.Gunasekaran, learned Government Advocate, who accepted notice on behalf of the respondents.

6.Though the petitioner prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the respondents 2 and 3 to consider and dispose of the petitioner's representation dated 18.8.2015, in accordance with law and pass orders within a period of six weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

nsv

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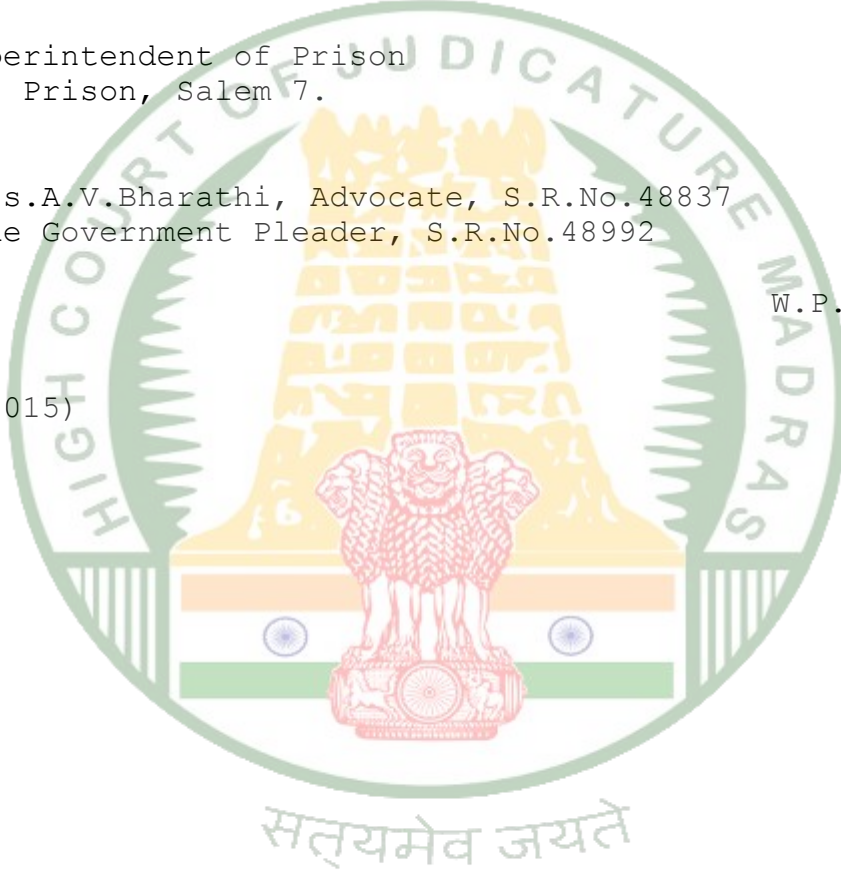
1. The Secretary to Government
Home Department
Fort St. George
Chennai 600 009
2. The Additional Director General
of Police/Inspector General of Prisons
Tamil Nadu, Chennai 600 008
3. The Superintendent of Prison
Central Prison, Salem 7.

+lcc to M/s.A.V.Bharathi, Advocate, S.R.No.48837

+lcc to the Government Pleader, S.R.No.48992

W.P.No.28278 of 2015

BVR(CO)
CA(28/09/2015)



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