

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32806 of 2016
and W.M.P.No.28361 of 2016

S.Vijayalakshmi

... Petitioner

vs.

1.The Additional Director General
of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-8.

2.The Deputy Inspector General
of Prisons,
Whannels Road, Egmore,
Chennai.

3.The Superintendent,
Special Prison for Women,
Puzhal, Chennai-66.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the first respondent to consider the appeal dated 21.8.2015 challenging the order of the second respondent dated 20.7.2015 within the stipulated time.

For Petitioner : Mr.M.Devaraj

For Respondents : Mr.M.S.Ramesh,
Addl. Govt. Pleader.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider the appeal dated 21.8.2015 challenging the order of the second respondent dated 20.7.2015 within the stipulated time.

3. It is the case of the petitioner that she was appointed as Second Grade Warder and joined service on 22.8.2005 in Special Prison for Women at Puzhal, Chennai. On 23.9.2011, while she was incharge of the remand cell, five remand prisoners were granted bail. After the roll call, the said five persons were sent to remission section, from where they will be sent outside. The said five persons were retained in the remission section to complete certain formalities. During the said period, one of the prisoners viz., Achiammal had hanged herself to commit suicide and immediately she was taken to hospital, but, she died on the way to hospital. Hence, the third respondent had issued a show cause notice dated 27.9.2011 under Section 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. The petitioner has given her explanation on 12.10.2011 and on receipt of her explanation, the third respondent, by order dated, issued a severe warning. Subsequently, the State Human Rights Commission initiated proceedings and after enquiry, by order dated 9.4.2013 observed that a sum of Rs.1,00,000/- has to be paid towards the compensation for the death of the prisoner and the same is to be recovered from the concerned persons by initiating departmental enquiry. Based on the said order, the third respondent issued a show cause notice dated 26.7.2013 as to why the amount of Rs.1,00,000/- should not be recovered from the petitioner and others. On receipt of the said show cause notice, the petitioner has given a detailed explanation on 4.8.2013 bringing out the entire facts. However, once again, the second respondent by proceedings dated 3.12.2014 called for an explanation as to why punishment should not be enhanced. Once again, the petitioner has given her explanation. However, without going into the details given by the petitioner in her explanation, the second respondent, by order dated 20.7.2015, enhanced the punishment from severe warning to stoppage of increment for a period of three months without cumulative effect. Challenging the same, the petitioner preferred an appeal dated 21.8.2015 before the first respondent. But, till date, the first respondent has not disposed of the said appeal. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the limited scope of the matter, without going into the merits of the claim projected by the petitioner in her appeal dated 21.8.2015, this Court directs the first respondent to dispose of the petitioner's appeal dated 21.8.2015 on merits and in accordance with law, within a period of six weeks from

the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

sbi

To

1.The Additional Director General
of Police and
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-8.

2.The Deputy Inspector General
of Prisons,
Whannels Road, Egmore,
Chennai.

3.The Superintendent,
Special Prison for Women,
Puzhal, Chennai-66.

1 cc to Mr.M. Devaraj, Advocate, Sr. 53273
1 cc to Government Pleader, Sr. 53513

W.P.No.32806 of 2016

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