

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 29.08.2016

CORAM

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.29384 of 2016

and

WMP No.25401 of 2016

S.Ramesh

.. Petitioner

Versus

1. The Deputy Inspector General of Prisons
Coimbatore Range
Coimbatore.

2. The Superintendent of Police
Central Prison
Coimbatore.

.. Respondents

Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the proceedings of the 1st respondent in Ref No.3650/ 2/2015 dated 03.08.2016 in respect of suspension and consequential order passed by the 2nd Respondent in Ref. No.18412/G4/2016 dated 08.08.2016 and to quash the same as being illegal, unsustainable in law and malafide and consequently directing the 2nd respondent to post the petitioner as boiler fire man.

For Petitioner : No appearance

For Respondents : Mr.R.S.Selvam
Government Advocate

ORDER

This Writ Petition has been filed by the petitioner challenging the proceedings of the 1st respondent in Ref No.3650/ 2/2015 dated 03.08.2016 in respect of suspension and consequential order passed by the 2nd Respondent in Ref. No.18412/G4/2016 dated 08.08.2016 and to quash the same as being illegal, unsustainable in law and malafide and consequently direct the 2nd respondent to post the petitioner as boiler fire man. By the order dated 03.08.2016, the petitioner was suspended from service pending contemplation of enquiry into

grave charges and it was affirmed by the subsequent order dated 08.08.2016.

2. There is no representation for the petitioner. Heard the learned Government Advocate appearing for the respondents.

3. From the records, it is seen that the suspension order dated 08.08.2016 was passed on the basis of a discreet enquiry conducted by the jail authority. According to the respondents, the petitioner has committed a serious offence i.e. coercing select convict prisoners working in the factory section to have homosex with him.

4. The grievance of the petitioner is that on 08.08.2016, the petitioner was ordered to be reinstated in service. However, on the same day, the petitioner was once again suspended from service by another order dated 08.08.2016 served on the petitioner. In the order dated 08.08.2016 suspending the petitioner under service, the order dated 08.08.2016 served on the same day in the morning has not been referred to by the second respondent. According to the petitioner, the impugned order of suspension dated 08.08.2016 is not at all warranted.

5. I am not inclined to accept the submissions made by the petitioner. Having regard to the above the facts and circumstances of the case, this Court finds that the offence said to have been committed by the petitioner is an unnatural offence and he has to face the departmental proceedings that may be initiated against him by the respondents pursuant to the order of suspension. In such view of the matter, at this stage, I do not find any reason to interfere with the order of suspension passed against the petitioner. It is needless to mention that it is for the petitioner to first approach the authorities concerned seeking for revocation of the order of suspension and thereafter, he can approach this Court, if he has any further grievance.

6. In view of the same, this Writ Petition stands dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

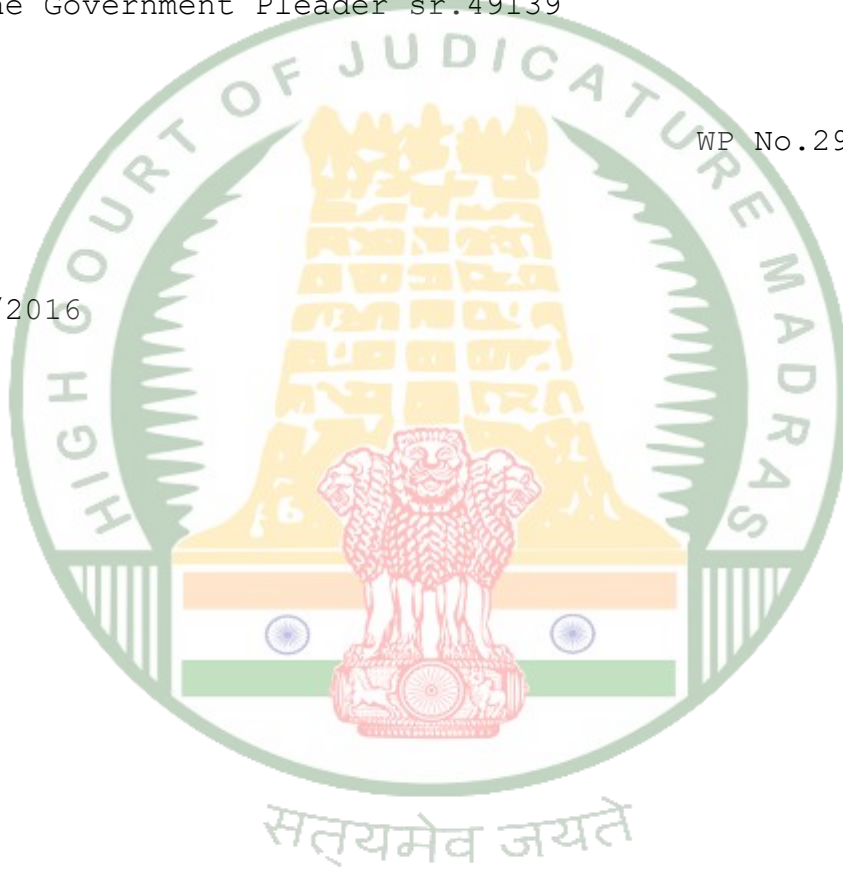
To

1. The Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore.
2. The Superintendent of Police,
Central Prison,
Coimbatore.

+lcc to the Government Pleader sr.49139

WP No.29384 of 2016

nr[co]
srg 21/09/2016



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