

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 16.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

Writ Petition No.9668 of 2016
and
W.M.P.No.8677 of 2016

Boominathan
S/o.Karupiah

.. Petitioner

Versus

1.The Additional Director General of Police
and Inspector General of Prison,
Tamil Nadu Prison Department,
CMDA Towers,
Egmore, Chennai - 600 008.

2.The Superintendent of Prison,
Central Prison - I,
Puzhal, Chennai - 600 066. .. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the second respondent to furnish the statement of witnesses listed in Annexure - 4 of proceedings No.4138/Po3/2015 dated 14.05.2015 to enable the petitioner to make a detailed explanation based on the petitioner's representation dated 08.06.2015.

For Petitioner : Mr.M.R.Senthilkumar

For Respondents: Mr.R.Vijayakumar,
Additional Government Pleader [R1 & R2]

O R D E R

This writ petition has been filed by Mr.Boominathan seeking issuance of a writ of mandamus directing the second respondent to furnish the statement of witnesses listed in Annexure-4 of proceedings No.4138/Po3/2015 dated 14.05.2015 to enable the petitioner to make a detailed explanation, based on the petitioner's representation dated 08.06.2015.

2. Mr.R.Vijayakumar, the learned Additional Government Pleader, takes notice for the respondents.

3. The petitioner while serving as Grade II Warder in Tamil Nadu Prison Department, a life convict, namely, Jayakumar, committed suicide by hanging as result of which the second respondent has issued a charge memo to the petitioner under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules alleging negligence in duty. The petitioner has submitted a representation dated 08.06.2015 to the second respondent requesting to issue all the documents and statement of witnesses. Instead of furnishing the documents sought for by the petitioner, the second respondent has furnished the documents enlisted in Annexure - 3 of the charge memo. Since the documents sought for by the petitioner have not been furnished by the second respondent, the petitioner is unable to make a detailed explanation against the charge memo.

4. In the absence of the documents sought for by the petitioner, the petitioner could not make a detailed explanation and he may not be able to take part effectively in the enquiry proceedings. Therefore, the second respondent is hereby directed to furnish the statement of witnesses listed in Annexure-4 of the charge memo forthwith and thereafter, conduct enquiry and proceed further in accordance with law. It is made clear that the enquiry should not be conducted without furnishing the documents sought for by the petitioner.

This Writ Petition is disposed of with the above direction. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-VI)

//True Copy//

Sub Assistant Registrar

gm
To

- 1.The Additional Director General of Police
and Inspector General of Prison,
Tamil Nadu Prison Department,
CMDA Towers,
Egmore, Chennai - 600 008.
- 2.The Superintendent of Prison,
Central Prison - I,
Puzhal, Chennai - 600 066.

+1 cc to Government Pleader, sr.16983

+1 cc to Mr.M.R.Senthilkumar, Advocate, sr.16607

Writ Petition No.9668 of 2016

skv co
kra 17.03.2016