

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44629 of 2016
and WMP No.38423 of 2016

P.Packianathan ... Petitioner

Vs

1.Government of Tamil Nadu
Rep.by its Principal Secretary to Government,
Home (Prison II) Department,
Fort St.George, Chennai - 600 009.

2.The Inspector General of Prisons,
Thlamuthu Natarajan Maligai,
Egmore, Chennai - 600 008.

3.The Treasury Officer,
Huzur Treasury, Salem.

4.The Superintendent,
Central Prison, Salem. ... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent namely the Government of Tamilnadu represented by the Principal Secretary to Government, Home (Prison.II) Department, Fort St.George, Chennai - 600 009, as per G.O.(D) No.718, Home (Prison.II) dated 30.09.2015, to grant all consequential benefits of seniority, promotion, etc. following the regularisation from the date of his initial appointment namely monetary benefit and consequently to grant interest @ 24% per annum from due date to date of actual payment for the delayed payment as stated above and to award exemplary costs to be paid to the petitioner by the respondent herein for not obeying the directions of this Court as well as the above said G.O. within a time frame.

For Petitioner : Mr.K.S.Govinda Prasad
For Respondents: Mr.P.Senthilvel,
Govt. Advocate

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents.

2. The petitioner would state that on an earlier occasion he had filed O.A.No.1307 of 2002 on the file of the Tamilnadu Administrative Tribunal to quash the G.O.(D) No.202, Home Prison.II Department dated 15.03.2001 of the first respondent with a further direction directing the respondents 1 and 3 herein to relax the provision of Rule 6 read with Annexure - I in Branch I under Part II of the Special Rules for the Tamil Nadu Jail Subordinate Service relating to the physical qualification so as to enable him to be appointed regularly in the Post of IInd Grade Warder with effect from 01.08.1967 and give other consequential benefits. The said Original Application was entertained and notice was ordered to the respondents. On abolition of the Tamilnadu Administrative Tribunal, OA No.1307 of 2002 was transferred to the file of this Court and renumbered as W.P.No.7380 of 2007 which was allowed by this Court on 30.03.2012.

3. The official respondents 1 and 2, aggrieved by the above said order, filed W.A.No.1671 of 2014 and the Division Bench of this Court vide judgment dated 09.01.2015 had dismissed the writ appeal confirming the order passed in the writ petition. The first respondent, in compliance of the order passed by this Court, had issued G.O.(D) No.718 Home (Prison.II) Department dated 30.09.2015 conferring the benefits of regularisation to the petitioner from the date of his initial appointment and also granted consequential benefits of seniority, promotion, etc. following the regularisation from the date of his initial appointment.

4. The grievance now expressed by the petitioner is that despite G.O.(D) No.718 Home (Prison.II) Department dated 30.09.2015, the monetary benefits has not been conferred upon him and therefore, he came forward to file the present writ petition.

5. Heard the submissions of the learned counsel for the petitioner and Mr.P.Senthilvel, learned learned Government Advocate appearing for the respondents.

6. Though the petitioner has prayed for a larger relief, this Court in the light of the above facts and circumstances and

without going into the merits of the claim projected by the petitioner either in his representation or in this writ petition, permits the petitioner to submit a representation to the respondents 1 and 2, within a period of two weeks from the date of receipt of a copy of this order. On such receipt, the respondents 1 and 2 are directed to consider the same, on merits and in accordance with law, in the light of G.O.(D) No.718 Home (Prison.II) Department dated 30.09.2015 and pass appropriate orders within a further period of eight (8) weeks thereafter and communicate the decision taken, to the petitioner.

7. The writ petition stands disposed of with the above direction. No costs. Consequently, connected Miscellaneous Petition is also closed.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

To

1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home (Prison II) Department,
Fort St.George, Chennai - 600 009.

2.The Inspector General of Prisons,
Thlamuthu Natarajan Maliaai,
Egmore, Chennai - 600 008.

3.The Treasury Officer, सत्यमेव जयते
Huzur Treasury, Salem.

4.The Superintendent,
Central Prison, Salem.

+1cc to Mr.K.S.Govinda prasad, Advocate Sr.875
+1cc to the Government Pleader Sr.750

W.P.No.44629 of 2016

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srg 10/01/2017