



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 25.07.2017

CORAM :

**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A(MD)Nos.102 & 103 of 2017 and
C.M.P(MD).Nos.1006 & 1007 of 2017

K.Mareeswaran

... Appellant in both appeals

Vs.

1. The Superintendent,
Madurai Central Prison,
Madurai.

2. The Superintendent,
Thirumangalam Sub Jail,
Madurai District.

... Respondents in both appeals.

Common Prayer : These Writ Appeals are filed under Clause 15 of Letters Patent, to call for the records in WP(MD)Nos.24895 of 2016 & 24896 of 2016 and set aside the final order dated 23.12.2016.

Prayer in WP(MD)Nos.24895 and 24896/ 2016 :

Writ Petitions under Article 226 of the Constitution of India, praying to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records pertaining to the proceedings of the 1st respondent in No.18185/SJ1/2016, dated 07.11.2016 and No.18185/Ki.Si.2016, dated 28.11.2016 and signed on 05.12.2016 under Rule 17(e) and 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules and quash the same.

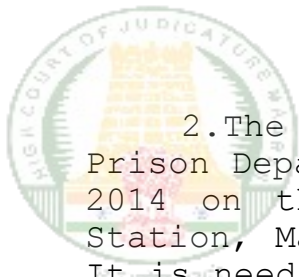
For Appellant : Mr.M.Gururaj
in both appeals

For Respondents : Mr.T.S.Md.Mohideen, AGP
in both appeals

COMMON JUDGMENT

(Judgment of the Court was made by G.R.SWAMINATHAN, J.)

<https://hcservices.ecourts.gov.in/hcservices> The successful writ petitioner in both writ petitions is on appeal.



2.The appellant herein was working as Grade II Jail Warder in Prison Department. He is figuring as an accused in Crime No.144 of 2014 on the file of the Inspector of Police, Kallikudi Police Station, Madurai District for the offence under section 392 of IPC. It is needless to state that it is a very serious offence. The appellant was therefore suspended from service. A charge memo was also served on him. Questioning both, the appellant herein filed WP (MD)Nos.24895 and 24896 of 2016. The learned Judge dismissed both the writ petitions. Aggrieved by the same, the present intra Court appeals have been filed.

3.The appellant was admittedly employed in the Prison Department. When he was found to have been alledgedly involved in a very grave crime, the employer is entitled to suspend the writ petitioner / appellant. It is not the case of the appellant that the suspension order was issued by an authority who is not having the jurisdiction to do so. In a case of this nature, unless the appellant is able to finally come clean, the question of revoking the order of suspension cannot arise. Similarly the challenge made in respect of charge memo also has to be negatived. The appellant has elicited certain information by invoking the provisions of Right to Information Act. He has also alleged alibi. But, these are matters for enquiry. This Court by exercising the Letters Patent jurisdiction against an order of dismissing writ petitions filed under Article 226 of Constitution of India cannot consider the factual materials now adduced on merit.

4.The learned Judge was right in dismissing the writ petitions. We find no merit in these writ appeals. These writ appeals stand dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed.

Sd/-

Assistant Registrar (AE)

/True Copy/

Sub Assistant Registrar

To

1. The Superintendent,
Madurai Central Prison, Madurai.
2. The Superintendent,
Thirumangalam Sub Jail,
Madurai District.

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 68387

SKM/ARUL

TE/GT/SAR-IV : 23/08/2017 : 2P/4C