

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2018

CORAM:
THE HON'BLE MR.JUSTICE C.SARAVANAN

W.P.No.24987 of 2008

K.Solomon

... Petitioner

Vs.

The Superintendent,
Central Prison-I,
Puzhal, Chennai-66.

... Respondent

Prayer: Writ petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the concerned records relating to an order No.1178/G3/2008 dated 20.09.2008 passed by the respondent and quash the same.

For Petitioner : Mr.K.Balu

For Respondent : Mr.N.Inbanathan
Additional Government Pleader

O R D E R

This petition has been filed by the petitioner calling for the concerned records relating to an order No.1178/G3/2008 dated 20.09.2008 passed by the respondent and quash the same.

2. The petitioner has challenged the eviction order dated 20.09.2008, pursuant to his termination from service on 04.08.2008. The petitioner was suspended from service on 02.08.2008 and thereafter dismissed from service on 04.08.2008 on the ground of collecting illegal gratification. The order terminating from service was challenged by the writ petitioner in W.P.No.19241 of 2008. By an order dated 10.08.2010, the order terminating the petitioner from service was quashed and the writ petition filed by the petitioner was allowed. Meanwhile, in the present writ petition, the petitioner had obtained interim stay on 20.10.2008.

3. The learned Additional Government Pleader appearing for the respondent mentioned that the petitioner has been issued a Charge Memo on 06.10.2018 vide proceedings No.4597/Po.3/2008. However, that enquiry has to culminate into the disciplinary order and only subject to such order, further steps for vacating the premises can arise.

4. In view of the fact that the petitioner's dismissal order itself has been set aside I am of the view that the present impugned order should go. Accordingly, the impugned order is set aside and the writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

dss/nmm

To

The Superintendent,
Central Prison-I,
Puzhal, Chennai-66.

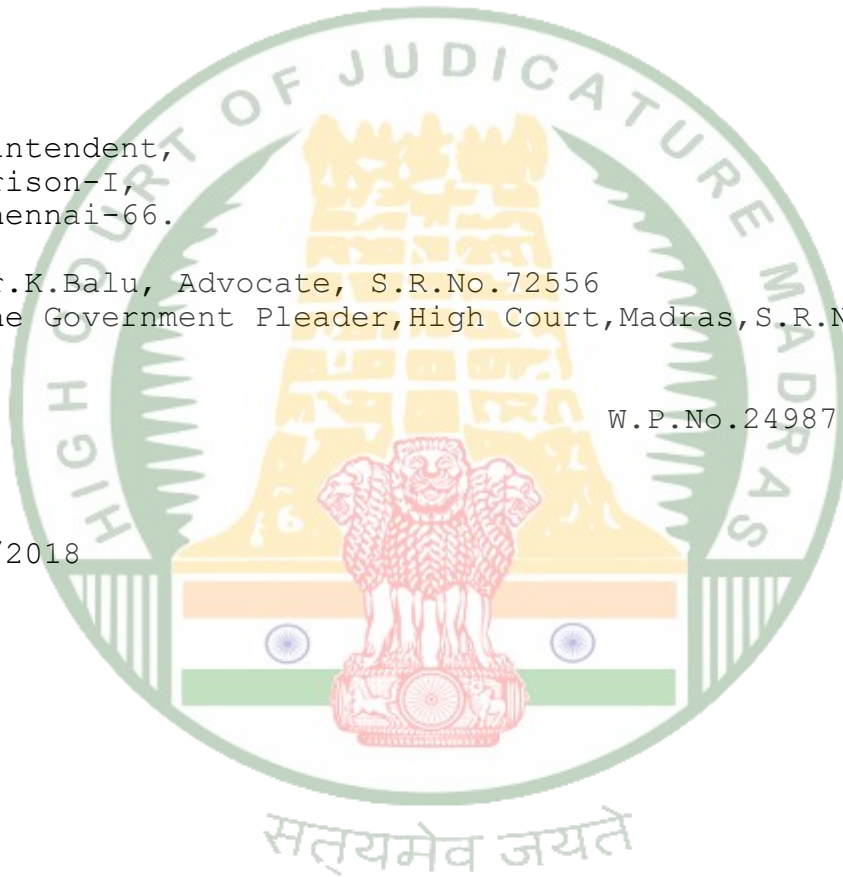
+1cc to Mr.K.Balu, Advocate, S.R.No.72556

+1cc to the Government Pleader, High Court, Madras, S.R.No.72415

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SJ(CO)

rrs 16/11/2018



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