

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :05.06.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.41847 of 2006

and

M.P.No.1 of 2006

M. Manickam

... Petitioner

Vs.

1.The Secretary to Home Department
Government of Tamil Nadu,
Fort St.George,
Chennai - 9.

2.The Additional Director General of Prison,
Egmore, Chennai - 8. ... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus directing the first respondent to regularise the services of the petitioner in the post of jailor without reference to the charge memo dated 07.04.2004 issued against the petitioner in second respondent's proceedings No.47692/CSI/2003.

For Petitioner : Mr.P.I.Thirumoorthy

For Respondents : Mr.K. Ravikumar
Additional Government Pleader

ORDER

The petitioner has filed a Writ of Mandamus directing the first respondent to regularise the services of the petitioner in the post of jailor without reference to the charge memo dated 07.04.2004 issued against the petitioner in second respondent's proceedings No.47692/CSI/2003.

2. Mr.P.I.Thirumoorthy, learned counsel for the petitioner, submitted that after issuance of the charge memo dated 07.04.2004, enquiry was conducted. The said charge memo dated 07.04.2004 was challenged before this court in W.P.No.27481 of 2005 and the same was disposed of on 09.04.2008. The relevant portion of paragraph No.3 of the said Order is extracted as follows:

3. The learned counsel for the petitioner would contend that the whole attempt of the respondent is issuing the charge sheet was to deny the petitioner of his promotion which were due during that period.

A perusal of the impugned charge memo discloses that there are very serious allegations of manhandling of the prisoner namely, deceased Neelamegam which has been alleged against the petitioner. The injuries said to have been sustained by the deceased Neelamegam on his Chest, thighs and knee were all stated to be very severe injuries and in the circumstances, if the petitioner is innocent, the petitioner will have to face the enquiry and prove his innocence. Merely because certain other officials were left out cannot be a ground to prevent the respondent from proceeding with the disciplinary action initiated against the petitioner under the impugned charge memo dated 07.04.2004. At best, the respondent can only be directed to conclude the disciplinary proceedings at an early date in order to enable the petitioner to workout his future career. The writ petition cannot therefore be entertained as against the impugned charge memo. Therefore, the writ petition is disposed of with a direction to the respondent to proceed with the disciplinary action expeditiously, preferably, within a period of three months from the date of receipt of a copy of this order. Since the petitioner has already submitted his explanation, there should be no impediment for the respondent to proceed with the enquiry and conclude the same expeditiously as directed in this order. No costs. Consequently, connected miscellaneous petitions are closed."

Thereafter, the petitioner was retired from service on 30.06.2010. Hence, nothing survives for adjudication in this writ petition.

3. In view of the above, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

gv

To

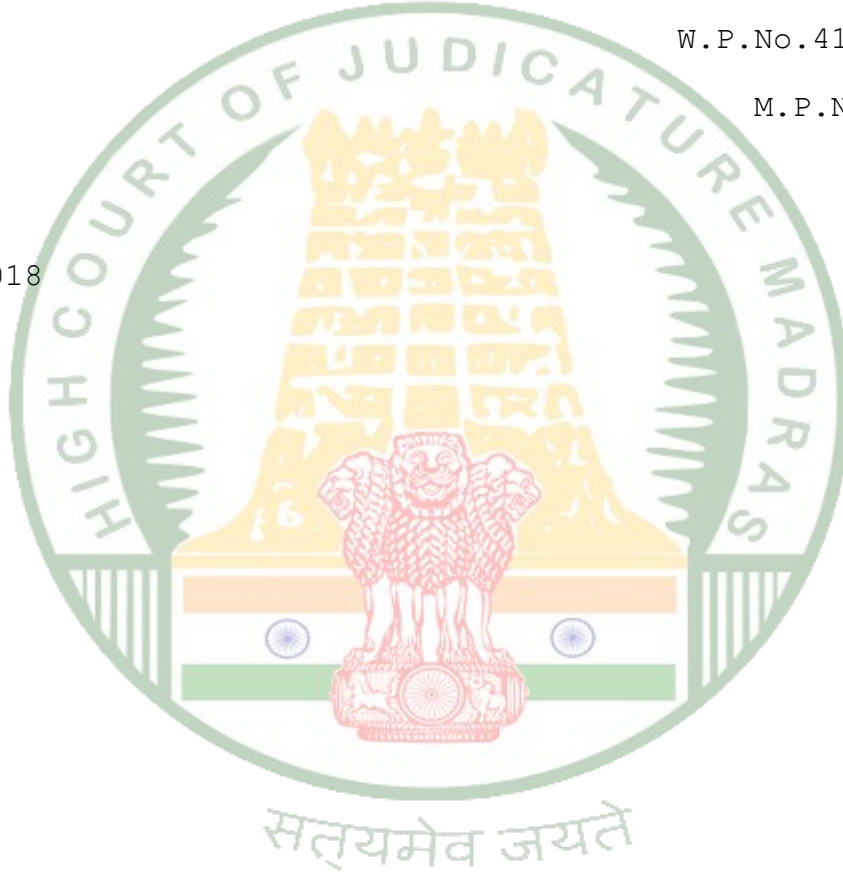
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