



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.03.2018

CORAM

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD).Nos.1707 of 2018 and 2801 of 2017

and

W.M.P.(MD)Nos.1812 to 1814 and 2305 of 2017

I.Rajendran ...Petitioner in both W.Ps.

Vs.

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

2.The Additional Director General of Police
& Inspector General of Prisons,
6, Whennels Road,
Egmore, Chennai-600 008.

3.The Deputy Inspector General of Prisons
Cum Superintendent of Prison,
Central Jail, Madurai-625 010.

4.A.Prabhakaran ...Respondents in W.P.(MD)No.1707 of 2018

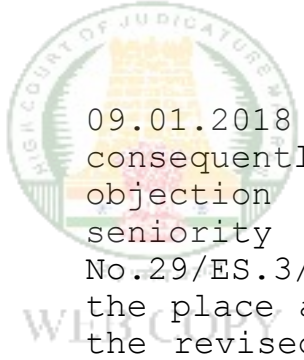
1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Principal (Law and Order) Department,
Fort St.George, Chennai-600 009.

2.The Additional Director General of Police-Cum-
Chief of Prison Department,
6, Whennels Road,
Egmore, Chennai-600 008.

3.The Deputy Inspector General of Prisons
Cum Superintendent of Prison,
Central Jail, Madurai-625 010.

4.A.Prabhakaran ...Respondents in W.P.(MD)No.2801 of 2017

PRAYER in W.P.(MD)No.1707 of 2018: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the details called for preparation of "Temporary Panel for appointment to the post of Jailor" in FAX MESSAGE No.1455/CS2/2018, dated



09.01.2018 issued by the second respondent and quash the same and consequently, direct the respondents to consider the petitioner's objection dated 14.01.2018 and include the petitioner in the seniority list of Deputy Jailors published in the proceedings No.29/ES.3/2018 dated 02.01.2018 duly including the petitioner at the place above the fourth respondent as Sl.No.18(a) and to publish the revised promotion panel for appointment to the post of Jailor, duly including the petitioner at the place above 4th respondent i.e. as Sl.No.11(a) and consequently to promote the petitioner as Jailor prior to the promotion of the 4th respondent.

PRAYER in W.P.(MD)No.2801 of 2017: Writ petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order No.40379/ES.3/2015, dated 30.11.2016 passed by the second respondent and quash the same and consequently direct the respondents to include the petitioner's name at the place between 20 and 21 (i.e as 20.A) in the "List of Assistant Jailors for the year 2012-2013 to 2013-2014" for regularization of services communicated in the proceedings No.40379/ES.3/2015, dated 07.11.2016 of the second respondent and permit the petitioner to appear before the selection board and participate in the selection process to be held on 20.02.2017 and promote the petitioner as Deputy Jailor and grant all the service and monetary benefits.

For Petitioner	: Mr.B.Karunanithi
For R1 to R3	: Mr.K.Saravanan
	Government Advocate.
For R4	: No Appearance
	(In both Writ Petitions)

COMMON ORDER

Heard the learned counsel on either side.

2.The petitioner entered Government Service as Grade II Jail Warder in the year 1996. He became an Assistant Jailor on 11.08.2012. The next promotional post was that of Deputy Jailor. The petitioner was eligible to be considered for the said post for the year 2013-2014. For the said panel year 01.01.2014 was the crucial date. The petitioner did not suffer from any disqualification on the said crucial date. The panel came to be finalized on 07.11.2016. But the petitioner was not considered. Aggrieved by the same, these Writ Petitions have been filed.

3.When the matter was taken up for disposal, it was seen that the petitioner was issued with a charge memo for a minor penalty on 15.09.2015. The Disciplinary Authority imposed the punishment of Censure on 21.01.2016. The punishment of censure imposed on a member of services will have a one year currency. Thus, on the date, when the panel was finalised, the punishment of censure was in currency. Therefore, the petitioner was not considered for



promotion to the post of Deputy Jailor. The approach of the respondents cannot be faulted. The petitioner is now working as a Jailor, since the punishment is no longer in currency. If the petitioner succeeds in getting the order set aside, he will of course be given benefits on a retrospective basis.

4. With this observation, these Writ petitions are dismissed accordingly. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar (RTI)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to Government,
Home (Prison) Department,
Fort St. George, Chennai-600 009.
2. The Additional Director General of Police
& Inspector General of Prisons,
6, Whennels Road,
Egmore, Chennai-600 008.
3. The Deputy Inspector General of Prisons
Cum Superintendent of Prison,
Central Jail, Madurai-625 010.

+1cc to Special Government Pleader, SR.No. 57649, 57651

ORDER MADE IN
W.P. (MD).Nos.1707 of 2018 and 2801 of 2017
22.03.2018

tsg
JM/SV MMS/SAR 4/06.06.2018/3P/5C