



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 21.02.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No. 2797 of 2018

K.Raja Karupasamy

.. Petitioner

Vs.

1.The Secretary to Government,
State of Tamil Nadu,
Public (Law and Order-A) Department,
St.George Fort, Chennai.

2.The Additional Director General of Police and
Inspector General of Prisons,
Chennai - 8.

3.The Superintendent of Prison,
Central Prison,
Madurai District.

.. Respondents

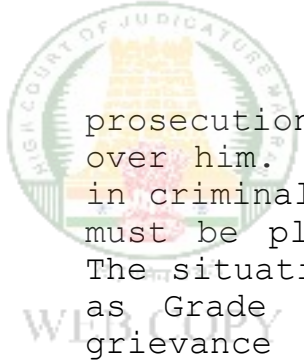
PRAYER: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to promote the petitioner as Chief Head Warder from 26.07.2017 along with monetary benefits and to provide monetary benefits for the post of Grade-I Warder for the period between 25.10.2012 and 29.01.2017.

For petitioner	: Mr. C.M.Arumugam
For respondents	: Mr. K.Saravanan Government Advocate

O R D E R

Heard Mr. C.M.Arumugam, learned counsel appearing for the petitioner and Mr. K.Saravanan, learned Government Advocate appearing for the respondents.

2. The petitioner joined the Prison Department as Second Grade Warder. He was working in Central Prison, Madurai. In connection with a death that took place within the Jail premises, the petitioner was prosecuted. The criminal prosecution ended in acquittal by Judgment dated 29.01.2016 in S.C.No.305 of 2011. Likewise the petitioner was exonerated of all charges framed in the disciplinary proceedings, which was on 15.03.2016. On account of the pendency of disciplinary action as well as criminal



prosecution, the petitioner's erstwhile juniors have stolen a march over him. The petitioner's demand is that following his acquittal in criminal case and exoneration in the departmental proceedings, he must be placed immediately above his immediate erstwhile juniors. The situation has been partly remedied by promoting the petitioner as Grade One Warder in the year 2017. But, the petitioner's grievance is that one Jerold Alocious, who admittedly was petitioner's junior in the post of Grade-II Jail Warder, is now working as Chief Head Warder. Therefore, the petitioner wants to be promoted as Chief Head Worker immediately and placed above the said Jerold Alocious.

3. When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents drew the attention of this Court to G.O.Ms.No.798, Home Department, dated 14.07.1994. As per the said Government Order, the promotion Board is constituted for filling up the vacancies in the posts from the level of the Chief Head Warder. Every year the departmental test is conducted. Based on the instructions, he would also submit that the authorities are in the process of holding this test shortly.

4. In view of the above said submission, direction is given to the respondents 2 and 3 to hold such a test and permit the petitioner to take part in the same. Such a test shall be conducted within a period of three months from today. If the petitioner successfully clears the said test it goes by saying that he shall not only be promoted to the post of Chief Head Warder but also placed above the said Jerold Alocious. The authority will also pass appropriate orders with regard to payment of other consequential benefits.

5. With this direction, the Writ Petition is disposed of. No costs.

Sd/-

Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary to Government,
State of Tamil Nadu,
Public (Law and Order-A) Department,
St. George Fort,
Chennai.

2. The Additional Director General of Police and
Inspector General of Prisons,



3.The Superintendent of Prison,
Central Prison,
Madurai District.

+1cc to M/S.C.M.Arumugam, Advocate SR.No. 50039

+1cc to Special Government Pleader, SR.No. 50924

ORDER MADE IN
W.P. (MD) .No.2797 of 2018

kmi

JM/RSK/SAR 2/12.07.2018/3P/6C