



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.07.2019

CORAM

THE HON'BLE Mr. JUSTICE S.VAIDYANATHAN

W.P.No.26147 of 2017
and
W.M.P.No.27790 of 2017

C.Ganesh

... Petitioner

Vs

The Superintendent of Prison,
Salem Central Prison,
Salem.

... Respondents

PRAYER: Writ Petition filed under Article 226 of The Constitution of India praying to issue a writ or order or direction, particularly in the nature of writ of Certiorarified Mandamus to call for the records on the file of the respondent herein in his proceedings nos.G1/17114/2017 dated 26.09.2017 along with erratum issued in No.G1/17114/2017 dated 27.09.2017 and quash the same and direct the respondent herein to forthwith reinstate the petitioner with all consequential benefits.

For Petitioner: Mr.S.Manivannan

For Respondents: Mr.P.Sivashanmuga sundaram
Special Government Pleader

O R D E R

The petitioner has been proceeded departmentally on various charges including the misconduct committed under Rule 20 of the Tamil Nadu Civil Service (Discipline and Appeal Rules) which makes him unbecoming of a Government servant.



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2. A cursory glance of the counter affidavit and pleadings made by the petitioner makes it clear that the petitioner has been dismissed from service and without conducting an enquiry, capital punishment is imposed. It is mandatory that a final punishment should be preceded by an enquiry, in case charges are proved, an opportunity needs to be given by issuing a second show cause notice and decision shall be taken. Since the petitioner is framed with charges and that the petitioner has suffered punishment for other misconduct, does not mean that the enquiry can be dispensed with. As stated supra, before imposing the capital punishment of dismissal from service, enquiry is mandatory, which is absent in this case.

3. In view of the above, the impugned order in proceedings nos.G1/17114/2017 dated 26.09.2017 along with erratum issued in No.G1/17114/2017 dated 27.09.2017 is interfered with and the matter is remitted back to the authorities to proceed with the departmental enquiry, if so advised, by keeping the person either under suspension or in a non-sensitive post and that enquiry shall be conducted without adjourning the matter beyond 7 working days at any point of time and the petitioner shall extend his maximum cooperation in this matter.

4. The writ petition is disposed of with the above directions. No costs. Consequently connected miscellaneous petition is closed. Consequently connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To
The Superintendent of Prison,
Salem Central Prison,
Salem.

+1cc to Mr.M.Ravi , Advocate SR.No.64328
+1 cc to Government Pleader Sr.No. 65209

W.P.No.26147 of 2017

A.SK(28/08/2019)