



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.09.2019

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P. (MD)No.19702 of 2019

P.Chinna Marthupandiyan

... Petitioner

-Vs-

1.The Director General of Police /
Inspector General of Prisons,
Chennai-600 008.

2.The Additional Director General of Police /
Inspector General of Prison,
Chennai.

3.The Superintendent of Prison,
Madurai.

4.The Deputy Inspector General of Prisons,
Vellore Range, Vellore.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to dispose of the petitioner's representation dated 04.03.2019 filed following the proceedings of the first respondent in No.2701/E.S.3/2019 and hereby to revise a seniority list of Chief Head Warden issued on 22.01.2019 and promote the petitioner as Assistant Jailor.

For Petitioner : Mr.J.Imrankhan

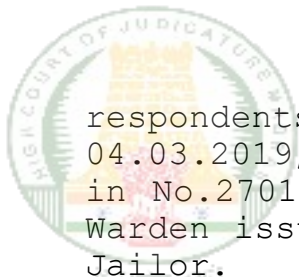
For Respondents : Mr.V.R.Shanmuganathan,
Special Government Pleader.

ORDER

Heard Mr.J.Imrankhan, learned counsel appearing on behalf of the petitioner and Mr.V.R.Shanmuganathan, learned Special Government Pleader, who takes notice on behalf of the respondents.

2.By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

<https://hcservices.ecourts.gov.in/hcservices/> This Writ Petition is filed for a direction to the



respondents to dispose of the petitioner's representation, dated 04.03.2019, filed following the proceedings of the first respondent in No.2701/E.S.3/2019 and to revise a seniority list of Chief Head Warden issued on 22.01.2019 and promote the petitioner as Assistant Jailor.

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4. According to the petitioner, he joined as a Warder in the Prison Department in the year 1998 and was promoted as Head Warder in the year 2012 and Chief Head Warder in the year 2016. Next promotion is to the post of Assistant Jailor. When the petitioner was working as Head Warder in Borstal School, Melur, the petitioner was issued with charge memo under Section 17(a) of Tamil Nadu Service (Discipline and Appeal) Rules and after enquiry, he was imposed with a punishment of stoppage of increment without cumulative effect on 10.09.2014 and the punishment period was from 01.01.2015 to 31.06.2015. In view of the said punishment, the petitioner's name was not included in the panel for promotion to the post of Chief Head Warder in December, 2014. Thereafter, in the year 2016, he was promoted as Chief Head Warder. In such circumstances, the first respondent has published the seniority list, dated 22.01.2019 and informed the third respondent to send objections, if any, received by the third respondent to the first respondent, within 90 days. Therefore, the petitioner has sent objections on 04.03.2019. But, so far, no order is passed thereon. Hence, the petitioner has come out with the present Writ Petition.

5. The learned Special Government Pleader appearing on behalf of the respondents submitted that in the year 2014, the petitioner was imposed with a punishment of stoppage of increment without cumulative effect. Therefore, his name was not included in the panel of the year 2014 for the post of Chief Head Warder. Thereafter, the petitioner was given promotion as Chief Head Warder in the year 2016. After three years, now, the petitioner has come forward with the present Writ Petition for the aforesaid relief and the same is not maintainable and prayed for dismissal of the Writ Petition.

6. On a perusal of the materials on record, it is seen that the first respondent, by the proceedings dated 22.01.2019, informed the third respondent to send objections, if any received from the aggrieved persons. In view of the same, the petitioner has sent objections by way of representation, dated 04.03.2019.

7. Considering the above circumstances, without deciding the issues on merits, this Court is inclined to direct the first respondent to consider the objections sent by the petitioner by way of representation, dated 04.03.2019, on merits and pass appropriate orders in accordance with law, within a period of three (3) weeks from the date of receipt of a copy of this order.



8. With the above direction, this Writ Petition stands disposed of. No costs.

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// True Copy //

Sd/-

Assistant Registrar (Writs)

Sub Assistant Registrar (CS)

Myr

To

1. The Director General of Police /
Inspector General of Prisons,
Chennai-600 008.

2. The Additional Director General of Police /
Inspector General of Prison,
Chennai.

3. The Superintendent of Prison,
Madurai.

4. The Deputy Inspector General of Prisons,
Vellore Range, Vellore.

+1 CC to M/s.SPL GP (SR-86916[F] dated 16/09/2019)

+1 CC to M/s.T.S.MOHAMED MOHIDHEEN, Advocate (SR-86508[F] dated
13/09/2019)

W.P. (MD) No.19702 of 2019
13.09.2019

JMN(25.10.2019) 3P : 7C