

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.10.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 16578 of 2007
(O.A.No.3497 of 2003)

S.Ramalingam

...Petitioner

Versus

1.Government of Tamil Nadu represented by
Secretary to Home (Prison 2) Department,
Secretariat, St.George, Fort, Madras.

2.The Additional Director General of
Prisons, Egmore, Madras-600 008.

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

... Respondents

PRAYER: Originally this petition has been filed as Original Application No.3497 of 2003 before the TamilNadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.16578 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the second respondent in No.23015/ES3/2002 dated 18.07.2002 and quash the same in so far as related to this applicant concerned only and directs the second respondent to include this applicant's name in the said proceedings No.23015/ES3/2002 dated 27.06.2002 for the post of Chief Head Warder for the year 2001-2002 by promote him as Chief Head Warder with all consequential benefits by extending the benefits of the G.O.Ms.No.1313 Home (Prison-2) Department, dated 05.06.1987.

For Petitioner : No appearance

For R1 to R3 : Mr.P.Chinnadurai
Additional Government Pleader

O R D E R

This Writ Petition has been filed challenging the order passed by the second respondent in No.23015/ES3/2002 dated 18.07.2002 and quash the same in so far as related to this applicant concerned only and directs the second respondent to include this applicant's name in the said proceedings No.23015/ES3/2002 dated 27.06.2002 for the post of Chief Head Warder for the year 2001-2002 by promote him as Chief Head Warder with all consequential benefits by extending the benefits of the G.O.Ms.No.1313 Home (Prison-2) Department, dated 05.06.1987.

2. Today, when the matter is taken up for hearing, none appeared on behalf of the petitioner.

3.The learned Additional Government Pleader would submit that the petitioner is 1cm below than the prescribed height as per Rule 6 read with Annexure in Branch I under Part -II of the Special Rules for the Tamil Nadu Jail Subordinate Service relating to the physical qualification for considering the petitioner's name for promotion. As per the Rules, in respect of the prescribed height, he should be minimum 168 cm, whereas, he is only 167 cm. That is only 1 cm less than the prescribed height. Therefore, his name has not been considered for promotion.

4.Therefore, the petitioner has sent a representation dated 05.08.2003 to the 1st respondent admitting that he is below the prescribed height and sought relaxation in respect of height and consider him for promotion as he had put 22 years of unblemished service. Even then, his representation was rejected by the Government.

5. It is an admitted fact that promotion to the post of Chief Head Warder can be made only by following the Rule 6 read with Annexure in Branch I under Part -II of the Special Rules for the Tamil Nadu Jail Subordinate Service and the persons must have the height of 168 cm. Admittedly, the petitioner is only 167 cm height. Therefore, under these circumstances, the impugned order passed by the 2nd respondent does not require any interference. Therefore, there is no merit in the writ petition and it is liable to be dismissed. Even at the time of filing the Original Application, the petitioner was 47 years and by now, the petitioner might have attained superannuation.

6. In the light of the statutory requirements laid down in Rule 6 of the Special Rules for the Tamil Nadu Jail Subordinate

Service, following which the impugned order has been passed by the Government, this Court does not find any merits in this Writ Petition. Accordingly, this Writ Petition is dismissed. No costs.

s/d-
Assistant Registrar

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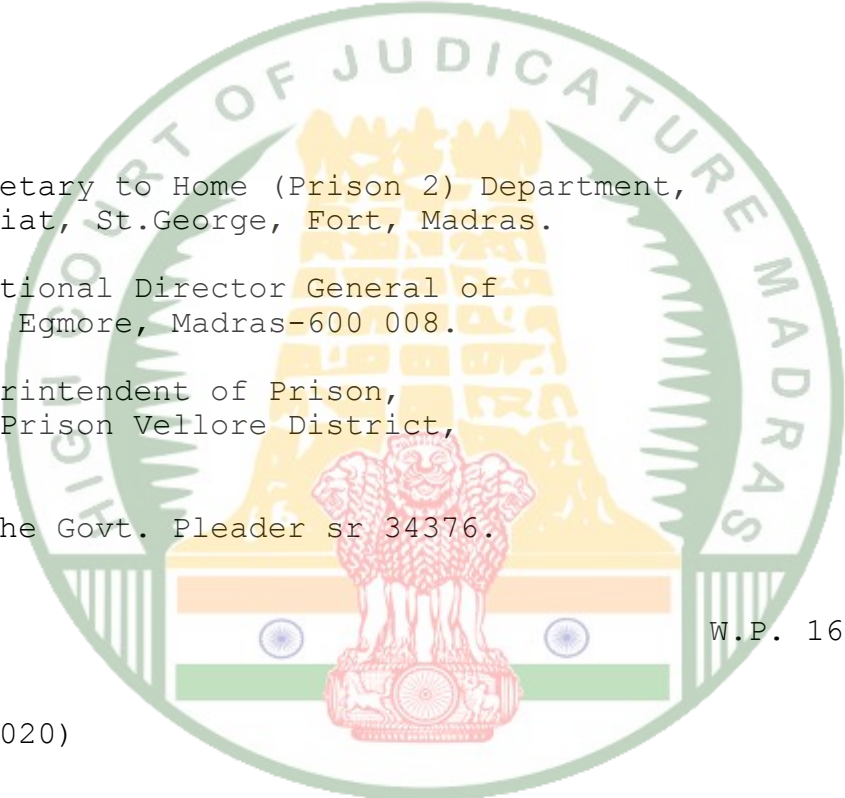
Sub-Assistant Registrar

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To

- 1.The Secretary to Home (Prison 2) Department,
Secretariat, St.George, Fort, Madras.
 - 2.The Additional Director General of
Prisons, Egmore, Madras-600 008.
 - 3.The Superintendent of Prison,
Central Prison Vellore District,
Vellore
- +1 CC to The Govt. Pleader sr 34376.

W.P. 16578 of 2007

RSI (CO)
SP(04/11/2020)



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