

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 22.07.2020

CORAM

THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. No.28200 of 2013

M.Chocklingam

.. Petitioner

- Vs -

1.The Additional Director General of Prisons,
Chennai 600 008.

2.The Superintendent,
Central Prison II
Puzhal, Chennai 600 060.

.. Respondents

Writ petitions filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the 1st respondent to assign proper seniority to the petitioner in the cadre of Warder Grade I commensurate with his seniority in the said post in Salem Central Prison Unit and on that basis consequently revise the Seniority in the post of Chief Head Warder in Central Prison I, Puzhal in the light of the petitioner representation dated 15.10.2012.

For Petitioner : Mr.S.Senthil

For Respondents: Mr.A.N.Thambidurai, Spl.G.P

ORDER

The case of the petitioner is that the petitioner joined service as Warder, Grade II in the year 1983 and thereafter promoted as Chief Head Warder in the year 2012. In the mean while, the petitioner has passed B.A. Degree examination in the year 1983 and passed the Departmental Tests in Criminal Procedure Code, Indian Penal code, Jail Manual and District Officer Manual and has become fully eligible and qualified to be promoted as Assistant Jailor. The grievance of the petitioner is that though he had participated in the Selection proceedings conducted by the TNPSC for appointment as Assistant Jailor, he was not selected. He is pursuing the matter separately. The petitioner has submitted a representation dated 15.10.2012 to the 1st respondent requesting to take into consideration his educational qualifications and vast experience and appoint him as Assistant Jailor. However till date there is

no action on the representation and, therefore, the present petition has been filed.

2. Though very many grounds have been raised in the writ petition, however, when the matter is taken up, learned counsel appearing for the petitioner submitted that it would suffice if this Court directs the respondents to consider the petitioner's representation and pass orders in accordance with law within a particular time frame fixed by this Court.

3. Per contra, learned Special Government Pleader appearing for respondents submitted that though the petitioner has participated in the Selection proceedings conducted by the TNPSC for appointment as Assistant Jailor, but he was not selected and in an earlier occasion the petitioner filed a writ petition before this Court and it was dismissed by its order dated 27.11.2009. However, this Court may direct the respondents to consider the representation filed by the petitioner, if not already considered, in accordance with law within a time frame fixed by this Court.

4. This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

5. Considering the facts and circumstances of the case and In view of the limited relief sought for, this Court without going into the merits of the issue, directs the 1st respondent to consider the representation filed by the petitioner in accordance with law and pass orders thereon within a period of three months from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. However, there shall be no order as to costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs
To

1. The Additional Director General of Prisons,
Chennai 600 008.

2.The Superintendent,
Central Prison II
Puzhal, Chennai 600 060.

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SVI (CO)
SP (01/10/2020)



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