

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2020

CORAM

THE HONOURABLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.12052 of 2020

K.Livingston Prabhu

.... Petitioner

-Vs-

1. The Addl. Director General of Police and
Head of Prison Department,
Prison Head Office, Egmore,
Chennai - 600 008.
2. The Assistant Director of Prison Department,
Madurai Range, Madurai.
3. The Superintendent of Prison
Central Prison, Palayamkottai.

.... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for the issuance of a Writ of Mandamus directing the 1st respondent herein to dispose of the pending statutory appeal submitted by the Petitioner on 08.01.2020, which is pending on the file of the 1st Respondent in accordance with law and stipulated period of time.

For Petitioner : Mr. A.Rajesh

For Respondents : Mr.Digvijayapandian, Special
Govt.Pleader

O R D E R

The petitioner was appointed as Warder Grade II on 01.11.2017. After initial training, he was posted at Central Prison, Puzhal II, Chennai in May 2018. The petitioner was placed under suspension by proceedings of the first respondent on 02.03.2019. Subsequently, on 06.03.2019 a charge memo was issued against him alleging dereliction of duty.

2. Subsequently, an enquiry was conducted into the charges and on the basis of the findings of the charges, the Disciplinary Authority imposed punishment of dismissal from service on 25.11.2019. Since the charges were framed under major penalty proceedings as per Rule 17B of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, the punishment of

dismissal of service was imposed.

3. As against the dismissal order passed by the Disciplinary Authority, the second respondent herein, the petitioner is stated to have filed a statutory appeal to the first respondent on 08.01.2020. Since no order was passed in the appeal by the first respondent, the petitioner is before this Court.

4. When the writ petition was taken up for hearing, notice was ordered in the writ petition and after notice Mr.Digvijaya Pandian, learned Special Government Pleader entered appearance on behalf of the respondents and on instructions, would submit that the appeal was in fact preferred by the petitioner and the same has not been disposed of as on date and that a direction, if issued by this Court, for the disposal of the appeal within a time to be stipulated by this Court, the same would be complied with.

5. The learned counsel for the petitioner is agreeable for such disposal since the prayer itself is only for seeking direction on these lines.

6. In view of the above submissions, the writ petition is disposed of as under.

7. The first respondent is directed to consider and pass appropriate orders on merits and in accordance with law in response to the appeal preferred by the petitioner dated 08.01.2020 within a period of four weeks from the date of receipt of a copy of this order.

8. The first respondent is also directed to take into consideration the points raised in the appeal and also in regard to the proportionality of the penalty imposed on the petitioner with reference to the nature of charges framed against him.

9. This Writ Petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

KST

To

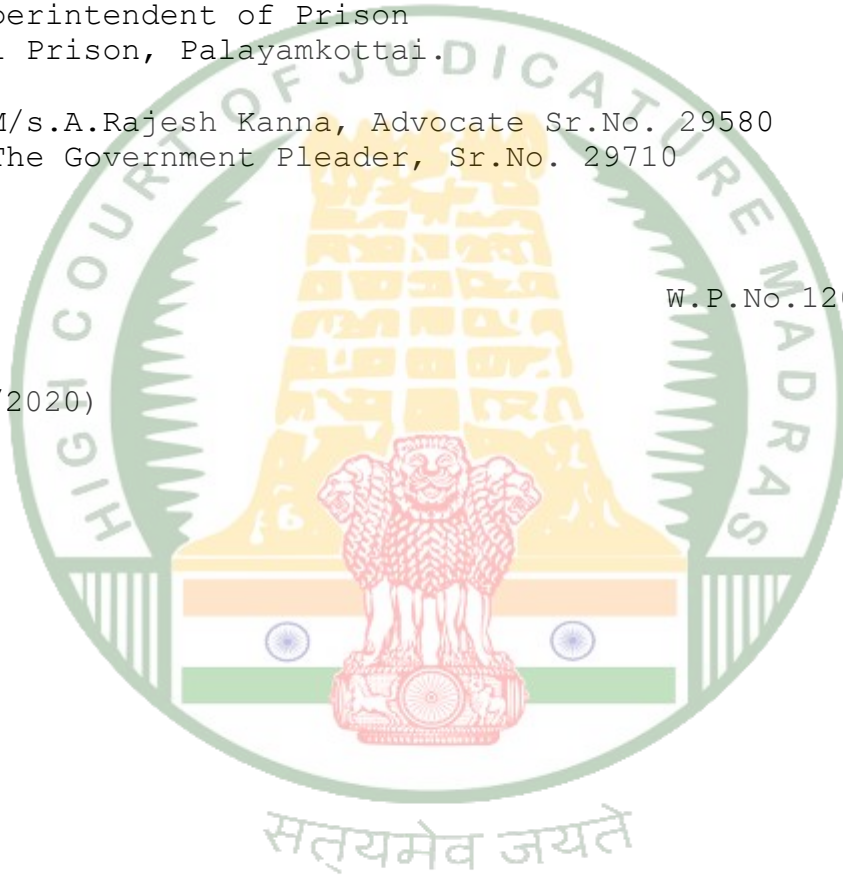
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+1 cc to M/s.A.Rajesh Kanna, Advocate Sr.No. 29580
+1 cc to The Government Pleader, Sr.No. 29710

W.P.No.12052 of 2020

GP (CO)

RMP (04/11/2020)



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