



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED :08.10.2020

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THE HONOURABLE MR.JUSTICE **KRISHNAN RAMASAMY**

W.P. (MD) No.13981 of 2020

S.Arumugam

... Petitioner

Vs

1.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai 16.

2.The Superintendent of Prisons,
Central Prison,
Palayamkottai.

3.The Superintendent,
Sub-Jail,
Sankarankoil.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 2nd respondent in his proceedings No.3217/SJ2/2020-2 dated 14.06.2020 and quash the same and further direct the 2nd respondent to reinstate the petitioner into service within the time limit fixed by this Court.

For Petitioner : Mr.PTS.Narendravasan

For Respondents : Mr.N.Shanmuga Selvam
Additional Government Pleader

ORDER

Challenging the impugned order passed by the 2nd respondent in Proceedings No.3217/SJ2/2020-2, dated 14.06.2020, the present writ petition has been filed.

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



3. According to the petitioner, by order dated 29.12.1988, he was initially appointed as Grade II Warder at Palayamkottai Central Jail, Tirunelveli and subsequently, he was promoted and posted as Assistant Jailor in the 3rd respondent sub jail. While that being so, the 2nd respondent had passed the impugned order dated 14.06.2020 and suspended the petitioner from service and on 17.08.2020, the 2nd respondent has framed two charges as against the petitioner under Rule 17 (b) of Tamilnadu Civil Services (Discipline and Appeal) Rules.

4. Thereafter, though the petitioner, by representation dated 12.09.2020, requested the 2nd respondent to furnish the copy of the documents to submit his explanation for the impugned proceedings dated 14.06.2020, without furnishing copy of the documents, the 2nd respondent appointed one A.Parasuraman as Enquiry Officer and directed the petitioner to appear before the Enquiry Officer on 24.09.2020 and 25.09.2020. In compliance of the same, though the petitioner participated in the enquiry on the aforesaid dates, the aforesaid documents have not been furnished to the petitioner till date. Hence, the present writ petition.

5. The learned Additional Government Pleader appearing for the respondents would submit that on 05.10.2020, necessary copies of the documents as sought for by the petitioner to submit his explanation for the impugned proceedings dated 14.06.2020, have already been served on the petitioner by the Enquiry Officer.

6. At this juncture, the learned counsel appearing for the petitioner while admitting the facts of receipt of the documents subsequent to filing the present writ petition prays this Court that two weeks time may be granted to the petitioner for submitting his explanation/reply for the impugned proceedings dated 14.06.2020.

7. The learned Additional Government Pleader has no objection to grant two weeks time to the petitioner for submitting his reply.

8. In view of the submission made by the learned counsel on either side, this Court is inclined to pass the following directions:-

i) the petitioner is directed to submit his explanation/reply for the impugned order dated 14.06.2020 and the new set of documents received from the Enquiry Officer on or before 02.11.2020;

ii) on receipt of such explanation, the respondents are directed to complete the enquiry and pass appropriate orders on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order;



9.The Writ Petition stands disposed of, in the above terms. No costs.

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// True Copy //

Sd/-

Assistant Registrar (CO)

/ /2020

Sub Assistant Registrar(CS)

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

1.The Deputy Inspector General of Prisons,
Madurai Range,
Madurai 16.

2.The Superintendent of Prisons,
Central Prison,
Palayamkottai.

3.The Superintendent,
Sub-Jail,
Sankarankoil.

+1 CC to M/s.PT.S. NARENDRAVASAN, Advocate (SR-19498[F] dated 08/10/2020)

+1 CC to M/s.Special Govt.Pleader (SR-19635[F] dated 09/10/2020)

W.P. (MD) No.13981 of 2020

08.10.2020

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SDS (12.10.2020) 3P-6C