



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.09.2021

CORAM

THE HONOURABLE DR.JUSTICE ANITA SUMANTH

W.P.NO.8118 OF 2009

AND

W.P.NO.11890 OF 2007

WP.No.8118 of 2009

R.Govindasamy

... Petitioner

Vs

1. The Additional Director of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.

2. The Superintendent of Central Prison,
Trichirappalli 600 020.

... Respondents

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, calling upon the production of the records relating to the order dated 12.8.2008 made in No.26529/EW2/2008 passed by the 1st respondent herein, quash the same and direct the respondents to regularize the period of suspension.

AND

WP.No.11890 of 2007

R.Govindasamy

... Petitioner

Vs

The Superintendent of Central Prison,
Trichirappalli - 20.

... Respondent

Prayer:

Writ Petition filed under Article 226 of the Constitution of India praying to issue Writ of Certiorarified Mandamus, to call for the records relating to the order dated 1.4.2002 made in No.9913/Po.2/2002 passed by the respondent herein and quash the same.



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For Petitioner : Mr.S.Senthil Nathan
(In both WPs)

For Respondents : Mr.C.Selvaraj
(In both WPs) Government Advocate

COMMON ORDER

W.P.No.11890 of 2007 was initially filed as an Original Application under Section 19 of the Administrative Tribunals Act, 1985. With the abolition of the Tribunal in 2004, the Original Application has come to be transferred to the file of this Court, re-numbered as WP.No.11890 of 2007.

2.The prayer in WP.No.11890 of 2007 is for quash of disciplinary proceedings that had culminated in the imposition of punishment of withholding of the petitioner's increment for a period of two years without cumulative effect. WP.No.8118 of 2009 challenges an order of suspension pending the disciplinary proceedings impugned in the former writ petition.

3.The petitioner was working as part of the Police Force and had been posted at Trichy in the Central Prison. While this is so, a complaint had been preferred before the All Women Police Station pursuant to which, charges had been laid as against the petitioner to the effect that, firstly, he had aided and abated the commission of a crime at Ariyalur relating to the Dowry Prohibition Act and secondly that he had in fact, obtained an anticipatory bail in regard to the aforesaid charge, but had suppressed that information from the authorities in the course of the enquiry.

4.The petitioner had denied both the charges notwithstanding which an order of punishment had been passed which has also been confirmed in first appeal. Before me, the attempt would be for a re-statement of the facts as presented before the lower authorities to establish that the petitioner had, in fact, not any involvement in the case at Ariyalur and a reappraisal of the evidences. As regards the order of anticipatory bail, the petitioner would maintain that he was not aware of the same at the time when it had been obtained.

5.A perusal of the impugned order would indicate that the very same submissions, as made before me now, had been made before the authorities, but were found unacceptable. A detailed counter filed by the authorities has also set out the circumstances in which the charges had come to be laid. Insofar as, there is no perversity that is shown to emanate from the



orders of the authorities below, I am not inclined to reappraise the evidences and the factual position.

6. WP.No.11890 of 2007 is dismissed and as a consequence thereof, WP.No.8118 of 2009 also stands dismissed. No costs.

Sd/-

Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

vs

To

1. The Additional Director of Prisons,
Gandhi Irwin Road,
Egmore, Chennai-600 008.
2. The Superintendent of Central Prison,
Trichirappalli 600 020.

+lcc to the Government Pleader, S.R.No.48212

W.P.No.8118 of 2009 and
W.P.No.11890 of 2007

RLD(CO)
CS/13/10/2021