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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.27791 of 2010

Y.SOBINI

W/O.STANISLAUS,

9/6 GANGAI NAGAR, 2ND CROSS STREET,  
VELACHERY CHENNAI-42.

...PETITIONER

Vs.

1 THE PRINCIPAL SECRETARY TO GOVT.,  
HOME DEPARTMENT, SECRETARIAT,  
CHENNAI-9.

2 THE INSPECTOR GENERAL OF PRISONS,  
NO.1 GANDHI IRWIN ROAD,  
CMDA TOWER-II, EGMORE, CHENNAI-8.

...RESPONDENTS

Prayer : Writ petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, to call for the records relating to the proceedings No.21091/AB1/2000 dt.8.9.2000 passed by the 2nd respondent and confirmed the same in G.O.3(D) No.54 Home Department dt.5.5.2003 by the 1st respondent and the rejection of review in G.O.3(D) No.46 Home Department dt.19.8.2010 by the 1st respondent and quash the same.

For Petitioner : Mr.K.Mahendran

For Respondents 1&2 : Mr.T.Arunkumar, A.G.P.

O R D E R

According to the petitioner, the petitioner while working as Assistant in the Prison Department, supplied essential commodities to the Prison personnel as ordered by the Government with effect from 9.1.1991 on par with Police and fire Service personnel and the subsidy was revised every now and then. According to the petitioner, the purchase was effected by the Staff of Central Prisons and sub Jails directly from the regional godowns of the Tamil Nadu Civil Supplies Corporation



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Ltd. On payment of cost of the essential commodities less the subsidy amount and distribute them to the staff. The Civil Supplies Corporation would then prepare bill for the quantity of essential commodities supplied by them region wise and claim the subsidy from the Inspector General of Prisons. The Inspector General of Prisons obtains the indent and supplies made by the T.N.C.S.C. from the Prisons and the total quantity supplied by them as per their bill is reconciled and the subsidy sanctioned to the T.N.C.S.C. The Government vide G.O.Ms.No.806, Home (Pol-XII) Department, dated 27.5.1997 have revised the subsidy upwards to the Police personnel in respect of certain commodities. However, the Prison department did not represent the Government to revise the subsidy as claimed by the Police and Fire Service department. According to the petitioner, the applicable subsidy to the Prison Personnel and the Police Personnel as per the revised Government order, dated 27.5.1997, the rate fixed for Rice Sugar, Wheat, Polmolein oil is 50% of the Public Distribution rate. In respect of Toor Dhall and Black Gram Dhall, the rate fixed by the Government is each Rs.10/- per Kg. And for Rava/Maida Rs.3/- per Kg. Therefore, the rates are revised only in respect of three items. T.N.C.S.C. Claims lesser amount from the Personnel and claimed subsidy at higher rate than those sanctioned to the Prison Personnel uniformly throughout the State. The Unit offices of Central Prisons consolidated the details of purchase effected in a month and forwarded the same for according sanction with the higher claim of subsidy made by the T.N.C.S.C. Ltd. On noticing the same, the petitioner initiated proposals to Government to extend the concession to the Prison personnel also in letter No.12543/R2/99, dated 5.3.1999 as done to the Fire Service. The second respondent duly sent the proposal to the first respondent. The first respondent issued G.O.Ms.No.977, dated 4.10.2001. Accordingly, subsidy was extended with retrospective effect from 1.6.1997. Therefore, there is no excess payment. The respondent has framed charges under Rule 17(b) of Tamil Nadu Civil Services (Discipline & Appeal) Rules. The petitioner submitted detailed explanation to the charges. Further, the respondent has passed impugned order imposing punishment of stoppage of increment for a period of one year with cumulative effect. Challenging the said order, the petitioner has preferred an appeal and the same was dismissed. Therefore, the petitioner has filed the instant writ petition challenging the impugned order passed by the respondents.

2. The learned Additional Govt. Pleader appearing for the respondent submitted that since the explanation submitted by the petitioner was not satisfied, the petitioner was inflicted with punishment of stoppage of one increment for a period of one year with cumulative effect.



3. The learned counsel appearing for the petitioner would submit that similarly placed persons against whom punishment was imposed, was suo moto given up by the Additional Director of Prison, Chennai in respect of one A.Panneerselvam, Seikhan and C.Iyyasamy. Therefore, on the same line, punishment imposed against the petitioner also to be set aside. The Additional Govt. Pleader appearing for the respondents also not disputed the aforesaid fact.

4. Considering the fact that similarly placed persons against whom punishment imposed by the respondent was suo moto set aside by the respondent and also, the explanation given by the petitioner was not properly considered by the first respondent, it requires reconsideration of the order passed by the Appellate Authority. Therefore, the impugned order is quashed and the matter is remitted to the first respondent to pass orders afresh in accordance with law in the light of the observation made hereinabove, within a period of 12 weeks from the date of receipt of copy of this order.

5. In the result, the writ petition stands allowed with the above directions. No costs.

Sd/-  
Assistant Registrar

True Copy//

Sub Assistant Registrar

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To

1 THE PRINCIPAL SECRETARY TO GOVT.,  
HOME DEPTMENT, SECRETARIAT, CHENNAI-9.

2 THE INSPECTOR GENERAL OF PRISONS,  
NO.1 GANDHI IRWIN ROAD,  
CMDA TOWER-II, EGMORE, CHENNAI-8.

+1cc to M/s.A.Lilly Victoria, Advocate, S.R.No.63904  
+1cc to the Government Pleader, S.R.No.64348

W.P.No.27791 of 2010

PL[co]  
NSK 14/12/2021