



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated: 15.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

W.P (MD)No.20765 of 2021

and

WMP (MD)No.17383 of 2021

WEB COPY

K.Sureshkumar

... Petitioner

Vs

1.The Superintendent of Prisons,
Central Prison,
Trichy - 620 001.

2.The Sub-Jail Superintendent,
Sub-Jail,
Karur,
Karur District.

3.Ilaiyarasi,
Assistant Jailer and Superintendent,
Karur Sub Jail,
Karur District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of certiorari to call for the records relating to the suspension order No.17714/Ki.Si.U/2021-1, dated 11.11.2021 passed by the first respondent and quash the same.

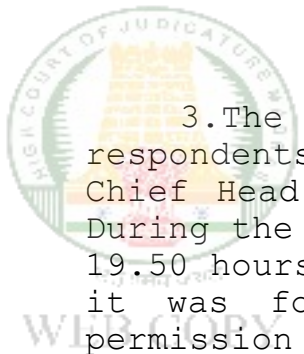
For Petitioner : Mr.B.Karunanithi

For Respondents : Mr.J.Ashok,
Additional Government Pleader

ORDER

This writ petition has been filed as against the order of suspension issued by the first respondent.

2.The learned Counsel for the petitioner submits that the petitioner is working as Chief Head Warder, Sub Jail, Karur and while so, on 09.06.2021 when he was on night duty, after his rounds duty, he went to attend the nature's call and returned to duty within few minutes. However, the petitioner has been issued with the suspension order after a period of five months from the alleged incident that he went outside to have a cup of tea without permission. Challenging the said suspension, the petitioner is before this Court.



3.The learned Additional Government Pleader appearing for the respondents submits that the petitioner is in uniformed services as Chief Head Warder in Sub Jail, Karur, where there are 34 inmates. During the inspection of the Second respondent on 09.06.2021, around 19.50 hours, the petitioner was not available in duty and on enquiry it was found that he went outside to have tea, but without permission and without making entries in the movement register. Therefore, the petitioner has been placed under suspension and subsequently, charge memo has also been issued on 26.11.2021.

4.Heard the learned Counsel on either side and perused the materials placed on record.

5.The petitioner has been issued with the impugned suspension order on 11.11.2021 and subsequently, he has also been issued with charge memo on 26.11.2021 for the lapse on his part in discharging his duty.

6.Though the order of suspension is challenged here, since charge memo has subsequently been issued, the respondents are directed to appoint an enquiry officer within a period of ten days from the date of receipt of a copy of this order and conclude departmental proceedings within a period of three months therefrom. Further the petitioner shall be paid with the subsistence allowance. The petitioner shall also co-operate for the enquiry.

7.The writ petition is disposed of on the above terms. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)

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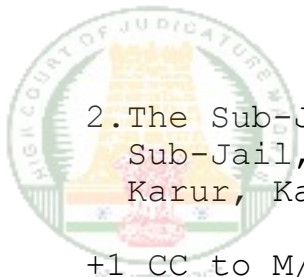
Sub Assistant Registrar(CS)

dsk

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 Superintendent of Prisons,
Central Prison,
Trichy - 620 001.



2.The Sub-Jail Superintendent,
Sub-Jail,
Karur, Karur District.

+1 CC to M/s.B.KARUNANITHI, Advocate (SR-39161[F]
dated 16/12/2021)

+1 CC to M/s.SPL GP (SR-39060[F] dated 16/12/2021)

W.P (MD) No.20765 of 2021
15.12.2021

NSN (CO)

GC (12.01.2022) 3P 5C