



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.12.2021

CORAM:

THE HONOURABLE MR.JUSTICE B.PUGALENDHI

WEB COPY

W.P (MD) Nos.21550, 13678, 21086, 21662 to 21664 of 2021

W.M.P. (MD) .Nos.10619, 17441, 17683, 18101, 18103, 18245 to 18248
18250, 18251, of 2021

M.Sundar raj	... Petitioner in WP(MD). 21550 of 2021
Selvaraj	... Petitioner in WP(MD). 13678 of 2021
S. Senthurpandi	... Petitioner in WP(MD). 21086 of 2021
Velram	... Petitioner in WP(MD). 21662 of 2021
Kombaiah	... Petitioner in WP(MD). 21663 of 2021
Sankara Narayanan	... Petitioner in WP(MD). 21664 of 2021

versus

1.The Director General of Police/Inspector General of Police,
Department of Prison,
Chennai-600 008.

2.The Deputy Inspector General of Prisons,
Department of Prisons,
Madurai Region/Chennai Region.

3.The Superintendent of Prisons,
Central Prison, Palayamkottai,
Tirunelveli District.

4.The Superintendent of Prisons,
Central Prison, Coimbatore.

... Respondents in W.P. (MD) .No.21550 of 2021

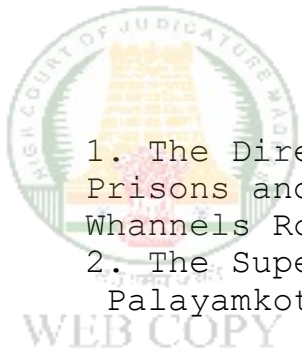
1. The Director General of Police/ Inspector General of Prisons,
Department of Prison, Chennai-600008

2. The Deputy Inspector General Of Prisons,
Department of Prisons,
Madurai Range/coimbatore Range

3. The Superintendent of Prison,
Central Prisons, Palayamkottai

4. The Superintendent of Prison,
Central Prison, Coimbatore

. Respondents in WP(MD). 13678/ 2021



1. The Director General of Police / Director General Of, Prisons and Correctional Services, Whannels Road, Egmore, Chennai - 600 008.
2. The Superintendent of Central Prison, Palayamkottai, Tirunelveli - 627 002

.... Respondents in WP(MD). 21086/ 2021

1. The Director General of Police, / Inspector General of Prisons, Department of Prisons, Chennai-600008.
 2. The Deputy Inspector General Of Prisons, Department of Prisons, Madurai Region / Chennai Region.
 3. The Superintendent of Police, Central Prison, Palayamkottai, Tirunelveli District
- .. Respondents in WP(MD). 21662 to 21664 of 2021

Prayer in WP(MD). 21550/ 2021 :

Writ Petition filed under Article 226 of the Constitution of India, seeking for the issuance of Writ of Certiorari, to call for the records of the impugned order in Ref.No.7885/Po.1/2020 on the file of the third respondent dated 23.11.2021 and quash the same.

Prayer in WP(MD). 13678/ 2021 :

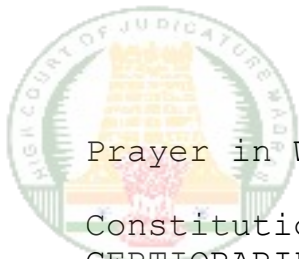
Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari mandamus, calling for the records relating to the impugned order in No.7885/P.1/2020 dt. 01.07.2021 passed by the 3rd respondent and quash the same and further directing the respondent 1 to 3 to permit the petitioner to continue his duty as Chief Head Warden, Central Prison Palayamkottai.

Prayer in WP(MD). 21086/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorari calling for the records relating to the order passed by the 2nd respondent in No.7885/Po.1/2020 dated 01.07.2021 and quash the same and pass such further or other orders as this Honble Court may deem fit and proper in the nature and circumstances of the case and thus render justice.

Prayer in WP(MD). 21662/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the proceedings issued by the 3rd respondent in No.7885/Po.1/2020 dated 01.07.2021 quash the same and consequently directing Respondents to permit the petitioners to continue his duty as Grade II Jail Warden, Central Prison, Palayamkottai.



Prayer in WP(MD). 21663/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the proceedings issued by the 3rd respondent in No.7885/Po.1/2020 dated 01.07.2021 quash the same and consequently directing Respondents to permit the petitioners to continue his duty as Grade II Jail Warden, Central Prison, Palayankottai.

Prayer in WP(MD). 21664/ 2021 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a WRIT OF CERTIORARIFIED MANDAMUS calling for the records of the proceedings issued by the 3rd respondent in No.7885/Po.1/2020 dated 05.06.2021 quash the same and consequently directing Respondents to permit the petitioners to continue his duty as Grade II Jail Warden, Central Prison, Palayankottai .

For Petitioner: Mr.R.Maheswaran in WP(MD).21550 of 2021
: Mr.A.Uthaiyakumar in WP(MD).13678/21
: Mr.V.SasiKumar WP(MD).21086/21
: Mr.D.Selvanayagam WP(MD).21662 to 21664/21

For Respondents: Mr.Veera Kathiravan
Additional Advocate General
Asst. by Mr.V.Nirmal Kumar,
Govt. Advocate in WP(MD).21550 of 2021

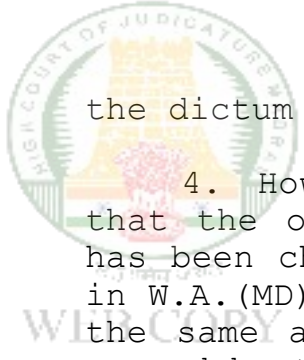
Mr.Veera Kathiravan
Additional Advocate General
Asst. by J.Ashok AGP in
WP(MD).13678,21086,21662 to 21664

COMMON ORDER

These Writ Petitions have been filed as against the order of transfer passed by the Superintendent of Central Prison, Palayamkottai, Tirunelveli District.

2. The petitioners have been transferred from Palayamkottai to various other places due to an incident that took place in the month of April 2021 in Palayamkottai Prison, wherein, one prisoner was done to death by co-prisoners and enquiry was also contemplated. All these petitioners were found to be responsible for the above incident and therefore, they have been transferred from Palayamkottai to various other places. Aggrieved over the same, the present writ petition has been filed.

3. This Court, while entertaining the writ petitions filed by similarly placed persons, has set aside the impugned order of transfer on the ground that it is punitive in nature and violates



the dictum laid down by the Hon'ble Apex Court of India.

4. However, the learned Additional Advocate General submits that the orders passed by this Court in W.P.(MD).No.10759 of 2021 has been challenged before the Hon'ble Division Bench of this Court in W.A.(MD).Nos.225 and 229 of 2021. This Court has also entertained the same and granted an order of interim stay against the orders passed by the learned Single Judge.

5. The learned counsel for the petitioners submits that since the issue involved in these writ petitions are similar to that of the appeals pending before the Hon'ble Division Bench of this Court in W.A.(MD).Nos.225 and 229 of 2021, all these writ petitions may be tagged along with the writ appeals.

6. This Court is not inclined to consider the said request. The fact remains that the petitioners, who were working in Central Jail, Palayamkottai, have not discharged their duties diligently. Due to which, the incident had taken place, in which, one prisoner was done to death by co-prisoners. Further, in order to have smooth functioning in the administration, all these petitioners have been transferred to various other places. Even after the incident, some of the petitioners have triggered their community to create problems. The family of the deceased has not taken the body for performing last rituals for more than 105 days and therefore, during COVID-19 period, the entire administration of Tirunelveli District was working only to pacify the deceased family.

7. It appears some of the petitioners were posted at Palayamkottai, Tirunelveli District, one or two years prior to the order of transfer impugned in these writ petitions. Hence, this Court feels that the first respondent shall re-consider the case of these petitioners independently and can accommodate the petitioners in nearby Districts, if any vacancy exists.

8. Accordingly, these Writ Petitions are disposed of. No costs. Consequently, W.M.P.(MD).No.10619 of 2021 is dismissed and W.M.P.(MD).Nos.17441, 17683, 18101, 18103, 18250, 18251, 18245, 18246 to 18248 of 2021 are closed.

Sd/-

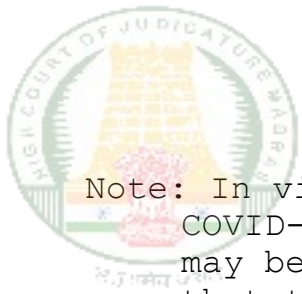
Assistant Registrar(CS-I)

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/ /2022

Sub Assistant Registrar(CS)

ssb



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 Director General of Police/Inspector General of Police,
Department of Prison,
Chennai-600 008.
2. The Director General of Police / Director General Of,
Prisons and Correctional Services,
Whannels Road, Egmore, Chennai - 600 008.
- 3.The Deputy Inspector General of Prisons,
Department of Prisons,
Chennai Region.
4. The Deputy Inspector General Of Prisons,
Department of Prisons,
Madurai Range.
5. The Deputy Inspector General Of Prisons,
Department of Prisons,
Coimbatore Range.
- 6.The Superintendent of Prisons,
Central Prison, Palayamkottai,
Tirunelveli District.
- 7.The Superintendent of Prisons,
Central Prison, Coimbatore.

+1 CC to M/s.SPL GP SR-40204, 40215
+1 CC to M/s.R.MAHESWARAN, Advocate SR-40357
+1 CC to Mr.D.SELVANAYAGAM, Advocate SR.No. 40060
+1 CC to Mr.V.SASI KUMAR, Advocate SR.No. 40410

W.P(MD)Nos.21550, 13678, 21086, 21662 to 21664 of 2021
22.12.2021

KMV(CO)
TR(25.02.2022) 5P 12C