



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.12.2021

CORAM :

THE HON`BLE MR.JUSTICE B.PUGALENDHI

W.P(MD) No.22294 of 2021 and
WMP(MD) No.18854 of 2021

K.Sureshkumar

...Petitioner

Vs.

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

2.The Sub-Jail Superintendent,
Sub-Jail,
Karur,
Karur District - 639 001.

3.Tmt.Ilaiyarasi,
Assistant Jailor and Superintendent,
Karur Sub Jail, Karur,
Karur District - 639 001.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Certiorari, calling for the records relating to the charge memo No.17714/Ki.Si/U/2021, dated 26.11.2021, issued by the first respondent and quash the same.

For Petitioner

:Mr.T.Sakthi Kumaran

for Mr.B.Karunanithi

For R1 & R2

:Mr.S.Saji Bino

Special Government Pleader

O R D E R

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 when the petitioner was working as Chief Head Warder, Sub Jail, Karur, he was placed under suspension, vide proceedings, 17714/Ki.Si/U/2021-1 dated 11.11.2021, alleging that on 09.06.2021, when he was on night duty, he went outside to have a cup of tea without getting proper permission. Challenging the said suspension, the petitioner is before this Court.



3.The learned Special 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 without any permission and without even 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 of 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 alleged lapse on his part, while discharging his official duty.

6.Though the order of suspension is challenged in this writ petition, the charge memo has subsequently been issued to the petitioner, therefore, this writ petition is disposed of as follows:-

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 the departmental proceedings pending against the petitioner, within a period of three months therefrom. The petitioner shall co-operate for the enquiry and it is needless to mention that the petitioner is entitled for subsistence allowance during the suspension period. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

vrn

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 - 639 001.

+1 CC to M/s.B.KARUNANITHI, Advocate (SR-39162[F]
dated 16/12/2021)

Order made in
W.P(MD) No.22294 of 2021 and
WMP(MD) No.18854 of 2021
16.12.2021

NA (CO)
GC (03.02.2022) 3P 4C