



WP No.13686 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06-07-2022

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM**

**WP No.13686 of 2014**

N.Chakrapani

..

Petitioner

VS.

1.The Principal Secretary to Government,  
State of Tamil Nadu,  
Home (Prison-II) Department,  
Secretariat,  
Chennai – 9.

2.The Additional Director General of Police  
and Inspector General of Prisons,  
C.M.D.A. Tower – II,  
Egmore,  
Chennai.

3.The Superintendent of Prison,  
Central Prison,  
Vellore.

..

Respondents



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Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorari, calling for the records relating to the proceedings of the first respondent dated 27.08.2013 passed in G.O.(D) No.683, Home (Prison-2) Department and consequently the orders passed by the second respondent in his proceedings No.12800/ES.3/2008 dated 05.06.2008 and No.12435/CCVU/2001 dated 30.01.2003 on the file of the third respondent and quash the same.

|                 |                                              |
|-----------------|----------------------------------------------|
| For Petitioner  | : Mr.E.Durai Vaiyapuri for<br>Mr.S.Doraisamy |
| For Respondents | : Ms.R.L.Karthika,<br>Government Advocate.   |

## **ORDER**

The order of punishment dated 30.01.2003 imposing the punishment of reduction of scale of pay at three stages for three years with cumulative effect, is under challenge in the present writ petition.

2. The appeal filed by the writ petitioner was also rejected. Though the punishment was imposed by the Disciplinary Authority in the year 2003, the petitioner preferred revision and that was disposed of in the



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year 2008. Once again he has filed an appeal twice and the said appeals were decided in the year 2011 and 2013 respectively. That is how the writ petitioner could manage the point of period of limitation and filed the present writ petition in the year 2014.

3. The fact remains that the Additional Director General of Prisons in the appeal modified the punishment as reduction of pay to the bottom of time scale for 3 years without cumulative effect. Therefore, the original penalty, which is major, was subsequently modified as minor penalty of reduction of pay to the bottom of time scale for 3 years without cumulative effect.

4. The petitioner was appointed as Grade-II Warder in the Prison Department. During the year 2001, he was working at night in the Office of the Superintendent, Sub Jail, Polur and rectifying the records for the Annual Inspection to be conducted by the Controlling Officer. The Superintendent, Central Prison, Vellore arrived for Annual Inspection to Sub Jail, Polur at about 05.00 A.M., on 17.12.2001. The Authorities found



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certain discrepancies and negligence in the matter of performance of duty and initiated departmental disciplinary proceedings.

5. A charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal Rules) was issued to the writ petitioner and the writ petitioner denied the charges. Not satisfied with the explanation, an Enquiry Officer was appointed, who in turn conducted an enquiry and submitted his report, holding that all the three charges framed against the writ petitioner are held proved. The report of the Enquiry Officer was accepted by the Disciplinary Authority, who in turn imposed the punishment of reduction of pay to the bottom of time scale for 3 years with cumulative effect. However, the said punishment imposed by the Disciplinary Authority was subsequently modified by the Additional Director General of Prisons in proceedings dated 05.08.2008 as reduction of pay to the bottom of time scale for 3 years without cumulative effect.

6. The petitioner reached the age of superannuation on 30.06.2008 and was allowed to retire from service. After retirement, the



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petitioner filed an appeal before the Additional Director General of Prisons and the said revision was also rejected.

7. The writ petitioner filed OA No.5712 of 2002 before the Tamil Nadu Administrative Tribunal, challenging the charge memo and the said OA was dismissed on 08.11.2002.

8. The Disciplinary Authority followed the procedures as contemplated under the Discipline and Appeal Rules and a charge memo was issued to the writ petitioner. The writ petitioner submitted his explanations and an enquiry was conducted by affording an opportunity to the writ petitioner. The Enquiry Officer in his report hold that all the charges framed against the writ petitioner are held proved. Based on the proved charges, initially a punishment was imposed and the said punishment was modified to that of one minor punishment.

9. The writ petitioner filed the present writ petition after a lapse of many years, in view of the fact that he was going on filing appeal after



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appeal right from the year 2003. The writ petitioner filed the present writ petition in the year 2014.

10. The question arises whether the punishment imposed on the writ petitioner can be construed as excessive or disproportionate. There is no infirmity as such in respect of the procedures followed by the Disciplinary Authority in the matter of disciplinary proceedings.

11. As far as the quantum of punishment is concerned, the original penalty of reduction of pay to the bottom of time scale for 3 years with cumulative effect was subsequently modified by the Revisional Authority as reduction of pay to the bottom of time scale for 3 years without cumulative effect. Thus the Appellate Authority had considered the grounds raised by the petitioner on merits and modified the original penalty imposed by the Disciplinary Authority.

12. This being the factum, this Court do not find any further ground for the purpose of setting aside the order of penalty, which was



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modified by the Appellate Authority.

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13. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

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Index : Yes/No.  
Internet : Yes/No.  
Speaking Order/Non-Speaking Order.  
Svn

To

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**S.M.SUBRAMANIAM, J.**

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