



W.P.No.17629 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 17.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.17629 of 2017

P.Gomathy

...Petitioner

Vs.

1.The Additional Director General of Police/
Inspector General of Prisons,
Chennai – 600 008.

2.The Deputy Inspector General of Prisons,
Vellore – 2.

3.The Superintendent,
Central Prison,
Cuddalore – 4.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records relating to the orders (1) Pro.No.3808/EW.2/2016 dated 20.09.2016 of the first Respondent (2) Pro.No.2597/CA/2015 dated 25.09.2015 of the second Respondent and (3) Pro No.6528/SJ.2/2015 dated 29.06.2015 of the third Respondent to quash the said orders and to issue consequential directions to the Respondents to grant Selection Grade to the Petitioner in the post of Female Warder, Grade II, w.e.f. 22.08.2015 and to promote the petitioner as



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Female Warder, Grade I, pursuant to the inclusion of name in the panel for 2014-15, with retrospective effect from the date of promotion of the petitioner immediate junior with consequential benefits.

For Petitioner : Mr.I.Kabilan
For Mr.M.Ravi

For R1 to R3 : Mr.S.Rajesh
Government Advocate

ORDER

The punishment of stoppage of increment for a period of two years without cumulative effect imposed on the petitioner is sought to be quashed in the present writ petition.

2. The petitioner is working as Warder Grade-II in Women Sub Jail, Cuddalore. A charge memo under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules was issued against the writ petitioner, stating that the petitioner had abused the Chief Warder Smt.Usha and Grade-I Warder, Smt.B.Anandheeswari and thereby dis-reputed the administration.



3. Regarding the charge memorandum, the petitioner submitted her explanation, denying the same. The authorities based on the complaint and the evidences available on record, passed final orders, imposing the penalty of stoppage of increment for a period of two years without cumulative effect.

4. The learned counsel for the petitioner mainly contended that no enquiry was conducted. In respect of minor allegations, charge memo under Rule 17(a) of the Discipline and Appeal Rules are issued. Summary procedures are contemplated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules. Accordingly, no enquiry needs to be conducted. Rule 17(a) enumerates that *“In every case where it is proposed to impose on a member of a service or a person holding a civil post under the State any of the penalties, shall be given a reasonable opportunity of making any representation that he may desire to make and such representation, if any, shall be taken into consideration before the order imposing the penalty is passed”*. Thus, the opportunity to submit the explanation is to be provided to the charged official.

5. In the present case, the charge memo was issued to the writ



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petitioner and the petitioner submitted an explanation regarding the alleged incident occurred in the Women Prison. The authorities, based on the records available, passed the orders, imposing the penalty of stoppage of increment for a period of two years without cumulative effect, which is a minor penalty. In such minor penalties, the judicial intervention is to be made only on limited grounds.

6. If at all the procedures contemplated are not followed, then alone, the Court would interfere, but not otherwise.

7. In the present case, the procedures as contemplated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules has been followed. Thus, there is no infirmity as such.

8. The learned counsel for the petitioner made a submission that the name of the writ petitioner was not considered for promotion to the higher post of Female Warder Grade-I.



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9. The case of the writ petitioner is to be considered on expiry of the currency of punishment and in accordance with the promotion rules in force and ascertaining her eligibility for promotion with reference to the services rendered.

10. With these observations, the writ petition stands dismissed. No costs.

17.10.2022

Index : Yes
Speaking order: Yes
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S.M.SUBRAMANIAM, J.

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