



W.P.Nos.11766 & 12001 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.12.2023

CORAM

THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.Nos.11766 & 12001 of 2011
and M.P.Nos.2 & 2 of 2011

M.Venkatachalam ... Petitioner in W.P.No.11766 of 2011

T.Rajendran ... Petitioner in W.P.No.12001 of 2011

Vs

- 1.The Government of Tamil Nadu
Represented by the Principal Secretary to the Government,
Public (Law & Order – A) Department,
Fort St.George, Chennai – 600 009.
- 2.The Director General of Police and
Inspector General of Prisons,
Chennai – 600 008.
- 3.The Superintendent,
Central Prison, Coimbatore – 18. ... Respondents in both W.Ps.

COMMON PRAYER:- Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari to call for the records relating to the impugned order of the first respondent in

Page No: 1/8



W.P.Nos.11766 & 12001 of 2011

G.O.Ms.No.991, Public (Law & Order – A) Department dated 21.10.2010 and the consequential order of the third respondent in Proceedings No.20465/Po-4/2010 dated 18.03.2011 and quash the said orders.

In both W.Ps.

For Petitioner : Mr.P.Rajendran

For Respondent : Mr.S.Ravichandran
Additional Government Pleader

COMMON ORDER

These Writ Petitions have been filed challenging the order of recovery.

2. Heard Mr.P.Rajendran, learned counsel for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader appearing for the respondents.

3. Mr.P.Rajendran, learned counsel for the petitioner would submit that the petitioners were working as Grade-II Warder, having

Page No: 2/8



W.P.Nos.11766 & 12001 of 2011

WEB COPY

been recruited through the Tamil Nadu Uniformed Services. During their period of service, one remand prisoner had climbed up the coconut tree and committed suicide by jumping from the tree. They were also Departmentally proceeded with and they have been imposed with a punishment of postponement of increment for a period of six months without cumulative effect. But, however, the Government pursuant to the direction issued by the National Human Rights Commission had sanctioned a compensation of Rs.1,00,000/- to the next kin of the deceased remanded prisoner and further, ordered that the sum of the said Rs.1,00,000/- shall be equally be recovered from the respective petitioners in the respective Writ Petitions. Even though, the petitioners have submitted their explanations, the explanations was not considered. The order of recovery would be nothing but double jeopardy as the petitioner had already inflicted with the punishment of postponement of increment for a period of six months without cumulative effect. Therefore, he would pray this Court to interfere with the order of recovery passed.

Page No: 3/8



W.P.Nos.11766 & 12001 of 2011

WEB COPY

4. Countering his arguments, Mr.S.Ravichandran, learned Additional Government Pleader for the respondents would submit that the disciplinary proceedings was initiated against the petitioners for dereliction of their duty in which a punishment had been imposed. The said punishment had remained unchallenged by the petitioners which amounts to the fact that they are acquiesced with the dereliction. He would further submit that the present order of recovery had been made pursuant to the directions issued by the National Human Rights Commission directing the State Government to pay the compensation of Rs.1,00,000/- to the next kin of the deceased remand prisoner, with a further direction to recover the same from the persons responsible for the incident. As they have committed misconduct of dereliction of duty, the recovery was directed to be made. He would further submit that the petitioners have not challenged the order of the National Human Rights Commission and it had become final as against them and the order of

Page No: 4/8



W.P.Nos.11766 & 12001 of 2011

recover is only a consequential order in obedience to the order passed by the National Human Rights Commission. Therefore, he would submit that there is no infirmity in the order passed by the respondents.

5. I have considered the submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

6. The order of recovery had been admittedly made pursuant to the directions issued by the National Human Rights Commission. The said order of the National Human Rights Commission had not been put to test by the petitioners and the same had attained finality. The impugned order is only a consequential order passed by the respondents pursuant to the direction issued by the National Human Rights Commission.

7. In such circumstances, I do not find any merits in the

Page No: 5/8



W.P.Nos.11766 & 12001 of 2011

WEB COPY

challenge made in these Writ Petitions as the petitioners have not challenged the order directing the recovery of compensation from the petitioners.

8. In fine, these Writ Petition are dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petition are also closed.

12.12.2023

gba

Index : Yes/No
Speaking order : Yes/No
Neutral Citations : Yes/No

To

1.The Government of Tamil Nadu
Represented by the Principal Secretary to the Government,
Public (Law & Order – A) Department,
Fort St.George, Chennai – 600 009.

2.The Director General of Police and
Inspector General of Prisons,

Page No: 6/8



W.P.Nos.11766 & 12001 of 2011

Chennai – 600 008.

WEB COPY

3.The Superintendent,
Central Prison, Coimbatore – 18.

K.KUMARESH BABU,J.

gba

W.P.Nos.11766 & 12001 of 2011
and M.P.Nos.2 & 2 of 2011

Page No: 7/8



WEB COPY



W.P.Nos.11766 & 12001 of 2011

12.12.2023

Page No: 8/8