



Writ Petition No.2311 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 31.01.2023

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Writ Petition No.2311 of 2023

and

W.M.P.No.2379 of 2023

V.Periyakaruppan
S/o.K.N.Vellaisamy

...Petitioner

Vs

1.State of Tamil Nadu,
represented by the
Secretary to Government,
Home Department, Secretariat,
Chennai - 600 008.

2.The Inspector General of Prisons,
Prison Headquarters,
Egmore, Chennai - 600 008.

3.The Deputy Inspector General of Prisons,
Chennai Range,
Prison Headquarters, Egmore,
Chennai - 600 008.

4.The Superintendent of Prisons,
Central Prison-1, Puzhal,
Chennai - 600 066.

... Respondents

PRAYER : Writ Petition filed Under Article 226 of the Constitution of India,
to issue a Writ of Certiorarified Mandamus calling for the records of the
fourth respondent relating to the impugned order No.6639/Pe5/2022 dated



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30.11.2022 insofar as the petitioner herein is concerned, quash the same as illegal, arbitrary and devoid of merits and consequentially, direct the respondents herein to permit the petitioner to reside at Quarter No.16, Prison Campus, Puzhal, Chennai, without any hindrance until the disposal of the criminal case foisted against the petitioner.

For Petitioner : Mr.B.S.Manikandan

For Respondents : Mr.D.Ravichander
Special Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the fourth respondent through proceedings dated 30.11.2022 and for a consequential direction to the respondents to permit the petitioner to reside in the quarters provided in Puzhal Prison Campus.

2. The case of the petitioner is that he was working as an Assistant under the fourth respondent and was residing in the quarters at the prison campus in Puzhal. The petitioner was dismissed from service by order dated 12.07.2019. Aggrieved by the same, the petitioner filed a revision petition and the same also came to be dismissed.



3. The petitioner, thereafter, made a representation on 27.07.2020 praying to reinstate him into service. In the mean time, the respondents started taking action to vacate the petitioner from the quarters and notice was also issued to the petitioner. The petitioner made a representation to permit him to reside in the quarters till the representation made by him to reinstate into service is considered.

4. The representation was not considered and hence, the petitioner filed the earlier writ petition before this Court in W.P.No.6806 of 2022 and this writ petition was disposed of by an order dated 24.03.2022 directing the respondents to take a decision on the representation made by the petitioner.

5. Pursuant to the above order, a decision has been taken by the fourth respondent by passing the impugned order dated 30.11.2022. The petitioner has been informed that he has already been dismissed from service and that he does not have any right to reside in the quarters. Aggrieved by the same, the present writ petition has been filed.



6. Heard Mr.B.S.Manikandan, learned counsel for the petitioner and Mr.D.Ravichander, learned Special Government Pleader, appearing for respondents.

7. Learned Special Government Pleader appearing on behalf of the respondents submitted that the petitioner himself has given in writing that he will vacate the quarters subject to the result of the disciplinary proceedings initiated against him on 04.04.2022. Hence, if the petitioner is dismissed from service, he has to comply with the undertaking and on failure of the same, the respondents are entitled to initiate action against the petitioner to vacate him from the quarters.

8. Learned counsel for the petitioner submitted that some time may be given to the petitioner to vacate the quarters and to handover possession to the respondents.

9. In the considered view of this Court, the petitioner does not have any legal right to hold on to the quarters that was given to him as a part of his service condition when the petitioner was working as an Assistant. Once the



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employer-employee relationship ceases to exist by virtue of the termination of the petitioner, the petitioner cannot hold on to the quarters and he is bound to vacate the same and hand over possession. The respondents have also given a very long rope to the petitioner and the petitioner seems to have dragged on the issue for more than two years.

10. In view of the above, this Court does not find any ground to interfere with the order passed by the fourth respondent on 30.11.2022 and the order is perfectly in accordance with the relevant rules. In view of the same, the petitioner is directed to vacate and hand over the quarters to the fourth respondent within a period of two (2) weeks from today. If the petitioner does not vacate and hand over the quarters, it is left open to the fourth respondent to take possession of the quarters.

In the result, this Writ Petition is dismissed with the above direction.

No costs. Consequently, connected miscellaneous petition is closed.

gm

31.01.2023

Index : Yes/No

Speaking order: Yes/No



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Neutral citation:Yes/No

N.ANAND VENKATESH, J

gm

To

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Home Department, Secretariat,
Chennai - 600 008.
- 2.The Inspector General of Prisons,
Prison Headquarters,
Egmore, Chennai - 600 008.
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