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W.P.No.7369 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.09.2023

CORAM :

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN

W.P.No.7369 of 2018
and W.M.P.No.9153 of 2018

R.Rajalakshmi

.. Petitioner

VS

1.State of Tamil Nadu,
Rep. By Additional Chief Secretary to Government,
Home (Prison-I) Department,
Fort St.George, Chennai – 09.

2.The Additional Director General of Police/
Inspector General of Prisons,
Whannels Road, Egmore, Chennai – 08.

3.R.Arivudainambe
Deputy Inspector General of Prisons,
Coimbatore Range, Coimbatore.

4.MV.Karuppannan
Deputy Inspector General of Prisons,
Chennai Range, Chennai.

5.Thiru G.Shanmugasundaram,
Deputy Inspector General of Prisons,
Trichy Range, Trichy.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of mandamus calling for the records in G.O.(Ms).No.218 Home (Prison – I) Department dated 14.03.2017 regular panel of Superintendent of Prisons fit for promotion to the post of Deputy Inspector General of Prisons for the year 2015 – 2016 consequential G.O.(D) No.85, Home (Prison – I) Department dated 22.01.2018 granting regular promotion to the 3rd and 4th respondents as Deputy Inspector of Prison and consequential posting order issued by the second respondent in



W.P.No.7369 of 2018

No.10429/CS2/2015 dated 05.02.2018 and G.O.(2D) No.94, Home (Prison - I) Department dated 16.03.2018 granting temporary promotion to the 5th respondent as Deputy Inspector General of Prison and consequential posting order issued by the second respondent in No.10429/CS2/2015 dated 16.03.2018 to the 5th respondent and quash the same in so far as the respondents 3 to 5 are concerned and consequential direction directing the first and second respondent to promote the petitioner as Deputy Inspector General of Prisons in the vacant post from the date on which my junior is promoted with all consequential service and monetary benefits.

For Petitioner : Mr.V.Jaisankar
For Respondents : Mr.S.Ravi Kumar
Special Government Pleader
for R1 & R2
Mr.C.Karthikeyan for R5

ORDER

Writ petition has been filed in the nature of a certiorarified mandamus seeking records relating to the regular panel of Superintendent of Prisons fit for promotion to the post of Deputy Inspector General of Prisons for the year 2015 - 2016 and all consequential government order / orders and quash the same and direct the respondents to promote the petitioner as Deputy Inspector General of Prisons in the vacant post from the date on which her junior was promoted.

2. The petitioner herein claims that since she had been included in the regular panel of Superintendent of Prisons, she



W.P.No.7369 of 2018

should have been considered fit for promotion to the post of Deputy Inspector General of Prisons for the year 2015 - 2016 and consequential promotion as Deputy Inspector General of Prisons. The writ petition had been filed seeking such relief.

3. Pending the writ petition, the respondent nos. 3 and 4 have retired on attaining the age of superannuation. The fifth respondent is represented by the counsel.

4. A counter affidavit has been filed on behalf of the respondents. The learned Additional Government Pleader placed reliance on two Government Orders (i) G.O.(Ms) No.127 Home (Prison-I) Department, dated 03.03.2022 and (ii) G.O.(Ms).No.285, Home (Prison-I) Department, dated 14.06.2023. Both the Government Orders relate to the petitioner herein.

5. In G.O.(Ms.).No.127 dated 03.03.2022, the respondents had, after examining the entire issue, finally ordered as follows:-

"7. Accordingly, in exercise of the powers conferred under Section 58 of the Tamil nadu Governmant Servants (Conditions of Service) Act, 2016, the Governor of Tamil Nadu hereby relaxes Section 7(1) paragraph 11 of schedule XI of the Tamil Nadu Government Servants (Conditions of Service) Act 2016 and Section



WEB COPY



W.P.No.7369 of 2018

67(3) of the said Act in favour of Tmt R.Rajalakshmi, Superintendent of Prison so as to include her name in the regular panel of Superintendent of Prisons fit for promotion to the post of Deputy Inspector General of Prisons for the year 2015 – 2016 approved in Government Order first read above by fixing her seniority as '2A', below the name of Tmt.K.Jeyabharati (Sl.No.2) and above the name of Thiru G.Shanmugasundaram by altering his seniority number as 'Sl.No.2AA' instead of '2A'."

6. In G.O.(Ms).No.285, dated 14.06.2023, it had been ordered as follows:-

"2. In the circumstances stated by the Director General of Police / Director General of Prisons and Correctional Services in his letter second read above, the following transfer and postings (on promotion/ reversion) are ordered with immediate effect:-

- i) On promotion, Tmt.R.Rajalakshmi, Superintendent of Prisons, Special Prison for Women, Vellore is posted as Deputy Inspector General of Prisons, Vellore Range, Vellore.
- ii) On reversion, Thiru.G.B.Senthamaraikannan, Deputy Inspector General of Prisons, Vellore Range, Vellore is posted as Superintendent of Prisons, Central Prison, Palayamkottai in the existing vacancy."

7. Both the Government Orders addressed the grievance raised by the petitioner herein.



W.P.No.7369 of 2018

8. Without examining the issue on merits since both the Government Orders addressed the issue raised by the petitioner herein, recording the same, this writ petition stands disposed of. No costs. Connected miscellaneous petition is closed.

11.09.2023

Index:Yes/No
Neutral Citation:Yes/No
ssm

To

- 1.The Additional Chief Secretary to Government,
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- 2.The Additional Director General of Police/
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W.P.No.7369 of 2018

C.V.KARTHIKEYAN,J.

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W.P.No.7369 of 2018

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