



WEB COPY



WP.No.20581 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2023

CORAM

THE HONOURABLE MR. JUSTICE N.SATHISH KUIMAR

WP.No.20581 of 2023

K.Thangavel

.. Petitioner

Versus

1. Government of Tamil Nadu,
Represented by the Additional Chief Secretary to Government,
Home (Prison) Department, Fort St. George,
Chennai - 600009.

2. The D.G.P. of Police & D.G.P. of Prisons,
Whannels Road,
Egmore, Chennai - 600008.

3. The Superintendent,
Central Prison,
Coimbatore - 641018.

4. The Accountant General (A&E),
DMS Compound, Teynampet,
Chennai - 600018.

5. U.Tamilmaran

.. Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the First Respondent herein namely Government of Tamil Nadu represented by the Additional Chief Secretary to Government, Home (Prison) Department, Fort St. George, Chennai - 600009, to promote the Petitioner to the post of Deputy Jailor and Jailor by creating a supernumerary posts from the date on which his immediate junior Thiru. U.Tamilmaran who was promoted as Jailor, Villupuram District Jail, Villupuram, was promoted to the above said posts with the attendant, service



WP.No.20581 of 2023

and monetary benefits attached to the above said posts and consequently to revise and re-fix the pension of the petitioner and also to pay the arrears on such re-fixation of pension within a short that may be fixed by this Hon'ble Court and also in the light of the orders passed by this Hon'ble Court dated 28.03.2023 made in W.P.No.9553 of 2023.

For Petitioner : Mr.K.S.Govinda Prasad
For Respondents : Mr.E.Vedabagath Singh for R1 to 3
Special Government Pleader

ORDER

Heard Mr. K.S.Govinda Prasad, learned counsel for the petitioner and Mr.E.Vedabagath Singh, learned Special Government Pleader, who takes notice for the first to third respondents and perused the materials placed on record.

2.Having regard to the nature of order proposed to be passed in the matter which would not cause any prejudice to the Fifth Respondent, notice to him is dispensed with.

3. Though the Writ Petition has been filed for directing the First Respondent to promote the Petitioner to the post of Deputy Jailor and Jailor from the date on which his immediate junior, viz., U.Tamilmaran, who was promoted as Jailor, Villupuram District Jail, Villupuram, and assumed charge of the said post, with all attendant, service and monetary benefits attached to the post of Deputy Jailor and Jailor by creating a supernumerary post of



WP.No.20581 of 2023

Deputy Jailor and Jailor and to grant all terminal, retirement and monetary and pensionary benefits attached to the above said posts, learned counsel for the petitioner submits that the petitioner would be satisfied, if the representation dated 01.04.2023 made by him in that regard is directed to be disposed by the concerned authority within the time limit that may be fixed by the Court.

4.Having regard to the limited scope of the relief sought in the writ petition, this Court without expressing any view on the merits of the controversy, passes the following order:-

(i) the concerned authority shall immediately examine the representation dated 01.04.2023 made by the petitioner including ascertaining as to whether the Petitioner would be entitled for the relief claimed;

(ii) if it is found that any other details or supporting documents is necessary, the deficiencies in that regard shall be informed in writing to the petitioner requiring the same to be furnished within a time frame of not less than 15 days for the same;

(iii) in the event of not being satisfied with the requirements even thereafter, an enquiry shall be conducted affording full opportunity of personal hearing to the petitioner and all other persons concerned to explain their position in that regard;



WP.No.20581 of 2023

(iv) a reasoned order shall be passed dealing with each of the contentions raised on merits and in accordance with law and the decision taken communicated by 31.08.2023 under written acknowledgment;

(v) if the Petitioner is found entitled to any monetary benefits, the same shall be paid along with working-sheet showing its calculation within a period of three months from the date of passing of that order; and

(vi) the report of such compliance shall be filed before the Registrar (Judicial) of this Court.

5. In the result, the Writ Petition is disposed on the aforesaid terms. No costs.

12.07.2023

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Index: Yes/No

Internet: Yes/No

Neutral Citation: Yes/No



WP.No.20581 of 2023

WEB COPY

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dhk

W.P.No.20581 of 2023

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(4/4)