



WEB COPY



W.P.No.25463 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.25463 of 2023

S.Durgaprasadh

... Petitioner

Vs.

1.Director General of Police/Director General of Prisons &
Correctional Services,
Whannels Road, Egmore,
Chennai – 600 008.

2.Deputy Inspector General of Prisons,
Coimbatore Range,
Coimbatore – 18.

3.Controlling Officer,
The Superintendent of Prisons,
Central Prison, Coimbatore.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the 3rd respondent vide No. 16335/G4/2023 dated 07.08.2023, quash the same as illegal and consequently direct the respondents to permit the petitioners to join the service.

For Petitioner : Mr.P.G.Thiyagu

For Respondents : Mr.V.Jeevagiridharan
Additional Government Pleader



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ORDER

This writ petition has been filed challenging the order of suspension dated 07.08.2023, issued against the petitioner.

2.The petitioner states that he is working as Chief Head Warder in the Sub-Jail, Ooty. It is the case of the petitioner that he was placed under suspension by the 3rd respondent vide impugned suspension order, dated 07.08.2023, for the failure to distribute the diet to the prisoners confined in Sub-Jail, Ooty on 03.08.2023, as per G.O.Ms.No.261, Home (Prisons-III) Department, dated 02.06.2023, thereby violating Rule 20(1) of the Tamil Nadu Government Servants Conduct Rules, 1973, and Rule 387 of Tamil Nadu Prison Rules, 1983. Challenging the same, the present writ petition has been filed.

3.The main ground on which the suspension order has been challenged is that the suspension order does not seek any clarification from the petitioner with respect to the alleged charge and further, the petitioner was not issued any show-cause notice before issuance of the impugned suspension order. The petitioner further contends that the suspension order has been issued with malicious intent. The petitioner



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states that the Cook took leave on 03.08.2023 without any prior intimation, however, the petitioner managed to cook food with the help of other warders and served the same to the prisoners. Therefore, the petitioner contends that the suspension order is not sustainable.

4.Heard the learned counsel for the petitioner and Mr.V.Jeevagiridharan, learned Additional Government Pleader, who takes notice for the respondents.

5.On a perusal of the entire materials available on record, this Court cannot find any material to infer malicious intent, whereas, only factual disputes have been raised. When the suspension order has been passed specifically for violating the Rules by not providing food to the prisoners on 03.08.2023 and even the writ petition indicates that the food was not provided to the prisoners on the same day since the Cook took leave on that day, this Court is not inclined to interfere with the impugned suspension order at this stage.



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