



WP.No.33980/2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 14.09.2023

CORAM

THE HONOURABLE MR. JUSTICE C.V.KARTHIKEYAN

WP.No.33980/2017 & WMP.No.37698 & 37699/2017

N.Sathiyarayanan

... Petitioner

Versus

- 1 The State of Tamil Nadu
rep by the Home Secretary Public (Law &
Order-E) Department Fort St. George
Chennai-600 009
- 2 The District Collector
Kancheepuram District Kancheepuram
- 3 The Revenue Divisional
Officer Kancheepuram District Kancheepuram
- 4 The Additional Director
General of Police Prison Department No.1
Gandhi Irwin Road Thalamuthu Natarajan
Building Egmore Chennai-08
- 5 The Superintendent of Prison
Central Prison-I Puzhal Chennai-600 066



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6 The State rep. by
The Sub-Inspector of Police B-1 Sivakanchi
Police Station Kancheepuram (Cr. No. 26 of
2003)

... Respondents

Prayer :- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a writ of certiorarified mandamus calling for the records relating to the impugned order of 1st respondent passed in G.O.(Ms) No.735 Public (Law & Order-E) department dated 13.08.2010 and the consequential impugned proceedings of 5th respondent in proceeding No.6642/ G1/ 2017 dated 29.11.2017 and in No.6642/ G1/ 2017 dated 30.11.2017 and to quash the same and consequently to issue direction directing the 5th respondent to permit the petitioner to retire from his service on reaching of superannuation with all monetary and attendant benefits.

For Petitioner	:	Mrs. S.T.P.Kuyilmozhi
For Respondents	:	Mr.U.Baranidharan, AGP

ORDER

- (1) The writ petition has been filed in the nature of a certiorari seeking records of an order of the 1st respondent, Home Secretary, Public [Law and Order-E] Department, State of Tamil Nadu, in G.O.Ms.No.735 dated 13.08.2010 and the consequential proceedings



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of the 5th respondent, Superintendent of Prison, Central Prison-I, Puzhal at Chennai dated 29.11.2017 and to quash the above order and to direct the 5th respondent to permit the petitioner to retire from service on reaching the age of superannuation and also grant all monetary benefits to the petitioner herein.

- (2) Let me not enter into a detailed examination of the facts consequent to which the petitioner had been placed under suspension since the issue relating to that particular aspect is now pending consideration in SC.No.83/2023 before the Additional Sessions Court No.2, at Kancheepuram. As a matter of fact, the next date of hearing is 25.09.2023. By the impugned order, the petitioner herein had been placed under suspension. The entire issue surrounds the death of an inmate, Mari while in custody at the Sub Jail at Kancheepuram. The petitioner was working as Grade-II Warden in the said Sub Jail.
- (3) The only issue which this Court can examine is about the payment of the General Provident Fund, Special Provident Fund and provisional pension to the petitioner herein. To that limited extent, instructions were sought from the learned Additional Government Pleader.



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- (4) The learned Additional Government Pleader had forwarded instructions stating that the GPF amount of Rs.2,25,322/- had been drawn and disbursed to the petitioner herein on 15.03.2018. It is also stated that SPF 1984 and SPF 2000 amounts have not been disbursed to the petitioner and steps have been taken to disburse the same. It is also stated that the provisional pension of Rs.27,769/- is paid monthly to the petitioner herein. It is stated that DCRG and Commutation of Pension would be paid subject to the judgment in SC.No.83/2023.
- (5) Recording the said statements, the writ petition stands **disposed of**.
- (6) An observation alone is made since this Court is not aware of the stage of SC.No.83/2023 and as a matter of fact, is not even aware whether charges have been framed, that the learned Sessions Judge at Kancheepuram, may endeavour to proceed with the trial in SC.No.83/2023 and bring it to a finality as early as possible. No costs. Consequently, connected miscellaneous petitions are closed.

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AP
Internet : Yes



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To
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Public (Law & Order-E) Department Fort St. George
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Building Egmore Chennai-08
- 5 The Superintendent of Prison
Central Prison-I Puzhal Chennai-600 066.
- 6 The Sub-Inspector of Police B-1 Sivakanchi
Police Station Kancheepuram.

COPY TO:-

Additional Sessions Court, District Court No.II
Kancheepuram. [For reference in SC.No.83/2023]



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C.V.KARTHIKEYAN, J.,

AP

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