



W.P(MD)No.6474 of 2023

WEB COPY

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 27.06.2023**

**CORAM**

**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

**W.P(MD)No.6474 of 2023**  
**and**  
**W.M.P(MD)No.6120 of 2023**

G.Radhakrishnan

... Petitioner

Vs

1.The State represented by  
The Additional Chief Secretary to Government,  
Home (Prison-I) Department,  
Secretariat,  
Chennai – 600 008.

2.The Director General of Police,  
Director General of Prisons and  
Correctional Services, Tamil Nadu,  
Egmore,  
Chennai – 600 008.

3.The Superintendent of Prisons,  
Central Prison,  
Palayamkottai,  
Tirunelveli District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India  
praying to issue a Writ of Certiorari, to call for the records relating to the



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impugned charge memo in Proceeding No. 18380/CS1/2022 dated 29.07.2022 passed by the second respondent and quash the same.

For Petitioner : Mr.S.Anwar Sameem  
for Mr.T.Antony Arulraj

For Respondents : Mr.G.Suriyananth  
Additional Government Pleader

### **ORDER**

Heard the learned counsel on either side.

2. The petitioner had reached the age of superannuation. He was suspended and has been retained in service. He questions the impugned charge memo dated 29.07.2022 on the grounds set out in the affidavit filed in support of the writ petition.

3. The issue raised by the petitioner cannot be adjudicated without going into factual aspects. The writ Court cannot undertake such an exercise. The petitioner is permitted to establish his innocence in the regular enquiry.

4. At this stage, the learned counsel appearing for the petitioner submitted that the authority has not furnished any document to the petitioner.



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Along with charge memo in Annexure - III as many as 25 documents have been referred to. Unless the petitioner is furnished with copies of the same, he cannot offer his defence statement or participate in the enquiry effectively. Therefore, the second respondent is directed to furnish the petitioner with the documents referred to Annexure - III of charge memo. This shall be done as expeditiously as possible. The second respondent shall furnish the copies to the petitioner within a period of three weeks from the date of receipt of a copy of this order. The petitioner is given three more weeks thereafter to offer his explanation. If the second respondent is of the view that the petitioner's explanation is not satisfactory, enquiry shall be conducted. The entire process should be concluded and final order shall be passed within a period of six months from the date of receipt of a copy of this order. I make it clear that I have not gone into the merits of the matter. All the defences of the petitioner are left open.

5. This writ petition is disposed of accordingly. There shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

**27.06.2023**

Index : Yes / No  
Internet : Yes / No  
NCC : Yes / No  
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G.R.SWAMINATHAN, J.

MGA

To

The Additional Chief Secretary to Government,  
Home (Prison-I) Department,  
Secretariat,  
Chennai – 600 008.

2.The Director General of Police,  
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and  
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