



W.P.No.23344 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 23.07.2024

DELIVERED ON : 12.08.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.23344 of 2022
and W.M.P.Nos.22288 and 22293 of 2022

M.Manickam

... Petitioner

-Vs-

1. The Government of Tamil Nadu,
represented by its Secretary to Home Department,
Fort St.George, Chennai – 9.

2. The Director General of Police cum
Prisons and correctional Services,
Egmore, Chennai – 8.

... Respondents

Prayer : Writ Petition filed under Article 226 of Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent dated 07.01.2022 issued in G.O.Ms.No.18 Home (Prison-I) Department and quash the same and consequently to direct the first and second respondents to include the petitioner in the regular panel of Jailor for the year 1993-1994 and in the regular panel of Additional Superintendent of Prisons for the year 1997-1998 on par with his immediate juniors namely Thiru P.Govindarjan by applying the yardsticks applied in the case and



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further include the petitioner in the regular panel of Superintendent of Prisons for the year 2004-2005 and corresponding regular panel to the posts of DIG for Prisons by applying the yardsticks applied in the case of his immediate junior Narayanamoorthy and award all consequential promotions on par with his immediate juniors P.Govindarjan and Narayanamoorthy with all service and monetary benefits.

For Petitioner : Mr.P.I.Thirumoorthy
For Respondents : Mr.P.Kumaresan
Additional Advocate General
assisted by
Mr.V.P.R.Elamparithi
Additional Government Pleader

ORDER

This Writ Petition has been filed for the issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the first respondent dated 07.01.2022 issued in G.O.Ms.No.18 Home (Prison-I) Department and quash the same and consequently to direct the first and second respondents to include the petitioner in the regular panel of Jailor for the year 1993-1994 and in the regular panel of Additional Superintendent of Prisons for the year 1997-1998 on par with his immediate juniors namely Thiru P.Govindarjan by applying the yardsticks applied in the case and further include the



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petitioner in the regular panel of Superintendent of Prisons for the year 2004-2005 and corresponding regular panel to the posts of DIG for Prisons by applying the yardsticks applied in the case of his immediate junior Narayanamoorthy and award all consequential promotions on par with his immediate juniors P.Govindarjan and Narayanamoorthy with all service and monetary benefits.

2. Heard the learned counsel on either side and perused the materials available on record.

3. The petitioner was promoted as Assistant Jailor on 20.04.1983 along with five other persons. The petitioner's junior one P.Govindrajan was directly recruited to the post as Assistant Jailor, on 01.02.1985. However, the petitioner's service was regularized belatedly with effect from 19.03.1985. The service of his junior was regularized with effect from 01.02.1985. Therefore, the name of the petitioner was included in the seniority list of Assistant Jailor lower than his juniors. The petitioner and five others challenged the seniority list before the Tamil Nadu



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Administrative Tribunal in O.A.No.126 of 1991. While that application was pending, the petitioner's junior was included in the panel of Deputy Jailor fit for promotion to the post of Jailor for the year 1993-1994 and he was promoted to the post of Jailor with effect from 11.06.1995. Thereafter, by an order dated 19.06.1996, the seniority panel dated 04.02.1987 was quashed by the Tamil Nadu Administrative Tribunal. Accordingly, the second respondent had prepared combined seniority list of Assistant Jailor dated 20.07.1996, in which the petitioner was placed above his juniors and the petitioner was promoted to the post of Deputy Jailor. However, the petitioner was not promoted to the post of Jailor, on par with his junior. The crucial date for preparing the panel for promotion to the post of Jailor was 15.02.1993. However, the petitioner's name was excluded in the revised regular panel of Deputy Jailors for promotion to the post of Jailor for the year 1993-1994, in view of the punishment dated 29.05.2001 and 31.12.2001.

4. The learned counsel for the petitioner would submit that both the punishments were not in operation either on the crucial date or on the



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actual date of the promotion of his junior or during five years check period prior to the crucial date. Therefore, the petitioner submitted a representation and the same was not considered. Only after the direction issued by this Court, the first respondent rejected the claim made by the petitioner on the ground that Rule 17(b) of the Tamil Nadu Civil Service (Disciplinary and Appeal) Rules charge was pending. The petitioner's co-batch mate was ordered to be included in the regular panel for Jailor for the year 1993-1994 in W.A.No.856 of 2013. Accordingly, he was included and granted notional promotion. Therefore, the petitioner submitted representation and the same was rejected. Hence, this writ petition.

5. The counter filed by the respondents and the submissions made by the learned Additional Advocate General appearing for the respondents revealed that the petitioner was originally appointed as Grade II Warder, on 01.04.1975 and he was promoted as Chief Head Warder, on 30.09.1981. Subsequently, he was promoted to the post of Assistant Jailor on 20.04.1983. Later, he was promoted to the post of



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Deputy Jailor on 16.12.1996. Finally, he was promoted temporarily as Jailor, on 24.01.2000 under Rule 10(a)(i) of the erstwhile General Rules for the Tamil Nadu State and Subordinate Service as per G.O.Ms.No.60, Home (Prison-I) Department, dated 21.01.2000. Thereafter, the petitioner attained the age of superannuation on 30.06.2010. The petitioner was not included in the panel for the post of Jailor for the years 1993-1994 and 1994-1995 for the reason that he had punishment in his credit at the time of consideration. Though the punishments were imposed on 29.05.2001 and 31.12.2001, the petitioner was served with a charge memo, during the crucial date viz., 15.03.1993. Pursuant to the charge memo, the petitioner was imposed with the following punishments:-

1.	29.05.2001	Postponement of increment for two years without cumulative effect vide Inspector General of Prisons proceedings No.15475/AB1/2001, dated 29.05.2001.
2.	31.12.2001	Censure vide Inspector General of Prisons Proceedings No.11583/CS1/2001, dated 31.12.2001.
3.	19.09.2002	Postponement of increment for two years without cumulative effect vide G.O.Ms.No.869, Home (Pri-I) Department, dated 19.09.2002. (Subsequently, this punishment set aside by the Government in G.O.(D).No.1241, Home (Pri.I) Department, dated 17.11.2006 based on the orders, dated 29.03.2006 of the Hon'ble High Court of Madras in W.P.No.27977 of 2005)



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6. The case of the petitioner was duly examined and considered by the first respondent, who found the petitioner's name not fit for inclusion in the list of Jailors for the year 1993-1994, in view of pendency of charge memo. Insofar as for the year 1995-1996, no panel was published and as such, for the year 1996-1997, the name of the petitioner was included in the panel. Therefore, the petitioner was rightly included in the panel of Deputy Jailor for promotion to the post of Jailor by recruitment by transfer for the year 1996-1997.

7. In view of the above, this Court finds no infirmity or illegality in the order passed by the first respondent and the writ petition is devoid of merits and is liable to be dismissed. Accordingly, this writ petition stands dismissed. Consequently, connected Miscellaneous petitions are closed. No costs.

12.08.2024

Internet: Yes
Index : Yes/No
Neutral Citation: Yes/No



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Speaking/Non Speaking order
mn

G.K.ILANTHIRAIYAN. J.

mn

To

1. The Secretary to Home Department,
The Government of Tamil Nadu,
Fort St.George, Chennai – 9.
2. The Director General of Police cum
Prisons and correctional Services,
Egmore, Chennai – 8.

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