



W.P.(MD).No.4583 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.02.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.4583 of 2024

M.Vinoth Kumar

... Petitioner

Vs.

1.The Additional Chief Secretary
to the Government,
Home Department,
Secretariat,
Chennai.

2.The Director General of Police,
The Director General of Prisons,
Chennai.

3.The Superintendent,
Central Prison,
Madurai.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 3rd respondent to disburse the sum of Rs.3,05,625/- (Rupees Three Lakhs Five Thousand Six Hundred and Twenty Five only) as directed by the 2nd respondent vide his



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communication in எண். 38022 / இ.எஸ்.3 / 2019 dated 09.05.2023 in the light of the order passed by this Court in W.P.(MD)No.3863 of 2023 dated 24.02.2023 along with the accrued and appropriate rate of interest forthwith.

For Petitioner : Mr.R.Anand

For Respondents : Mr.C.Baskaran,
Government Advocate

ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the stage of admission itself.

2. The present writ petition has been filed seeking direction to the 3rd respondent to disburse the sum of Rs.3,05,625/- (Rupees Three Lakhs Five Thousand Six Hundred and Twenty Five only) as directed by the 2nd respondent vide his communication dated 09.05.2023 in the light of the order passed by this Court in W.P.(MD)No.3863 of 2023 dated 24.02.2023.

3. The brief facts which are necessary for the disposal of this Writ Petition is as follows:-



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(i) The petitioner was appointed in the post of Assistant Jailer on 29.06.2018 and he joined duty on 02.07.2018. In the course of completing his probation, the 3rd respondent had directed the petitioner to complete the training which would be at Vellore Academy of Prison and Conditional Administration within a period of nine months. In the meanwhile, the petitioner's mother succumbed to health complications. While so, he has got employment even before the completion of training as Junior Assistant in the Public Works Department at Virudhunagar District. Having informed the 3rd respondent, he requested the 3rd respondent to relieve him from the post of Assistant Jailer, following which, he joined as Junior Assistant in the Public Works Department. However, the 3rd respondent required the petitioner to return back the entire salary which has been received while he served as Assistant Jailer in the Department of Prisons. Hence, left with no other option, the petitioner credited an amount of Rs. 3,05,625/- (Rupees Three Lakhs Five Thousand Six Hundred and Twenty Five only) on 28.03.2019. Thereafter, he was relieved by the Director of Training Institute on 30.03.2019 and subsequently, he appeared before the 3rd respondent and sought for a free exit. Thereafter, he joined in the Public Works Department.



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(ii) However, the 3rd respondent compelled the petitioner to make a payment of Rs. 3,05,625/- (Rupees Three Lakhs Five Thousand Six Hundred and Twenty Five only) for being relieved from the Department of Prisons and the same is against law and perse illegal. Hence, the petitioner made a detailed representation to the 1st respondent on 03.06.2019, requesting to return the said amount. Since the same was not considered, the petitioner filed a writ petition in W.P.(MD)No. 13390 of 2019 before this Court and this Court, vide order, dated 04.03.2021, directed to consider the same within twelve weeks. However, the same was not complied with. Hence, the petitioner was constrained to file a contempt petition in Cont P(MD)No.352 of 2022. Pursuant to the same, the 1st respondent produced a government order in G.O.(Ms)No.432, Home (Prison -II) Department dated 11.04.2022 in which the 1st respondent in para No.6 directed the respondents 2 and 3 to reimburse the aforesaid amount. However, the same was not reimbursed. Hence, the petitioner filed another writ petition in W.P.(MD)No.3863 of 2023 and this Court, vide order, dated 24.02.2023, directed the 2nd respondent to consider his representation dated 11.07.2022 and the same was not complied with. Hence, the present writ petition came to be filed.



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4. The learned Government Advocate appearing for the respondents submitted that the case of the petitioner will be considered at the earliest.

5. Heard, the learned Counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents. Carefully perused the materials available on record.

6. Despite this Court passed orders thrice in W.P.(MD)No. 13390 of 2019, Cont P(MD)No.352 of 2022 and W.P.(MD)No.3863 of 2023, the respondents did not comply with the same. The attitude of the respondents is not properly explained by the learned Government Advocate.

7. In view of the same, the 3rd respondent is directed to disburse an amount of Rs. 3,05,625/- (Rupees Three Lakhs Five Thousand Six Hundred and Twenty Five only) as directed by the 2nd respondent vide communication dated 09.05.2023 in the light of the order passed by this Court in W.P.(MD)No.



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3863 of 2023 dated 24.02.2023 within a period of two (2) weeks from the date of receipt of copy of this order.

8. Accordingly, this Writ Petition stands disposed of. No costs.

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NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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to the Government,
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2. The Director General of Police,
The Director General of Prisons,
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L.VICTORIA GOWRI, J.

Sml

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