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W.P.No.2611 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.2611 of 2024

K.Sarathkumar

... Petitioner

Vs.

1.The Deputy Director General of Prisons
Department of Prisons
Chennai – 600 008.

2.The Additional Director General of Police
Dr.Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

3.The Superintendent of Prisons,
Central Prisons – 1,
Puzhal,
Chennai – 600 066.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records pertaining to "Termination of Probation" order bearing No.254/Po 3/2022 dated 09.01.2023 issued by the third respondent and the same confirmed by the first respondent bearing No.695 / Mu Vu / 2023 dated 10.05.2023, to quash the same and consequently to direct the first respondent to reinstate the petitioner in service with all



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consequential monetary and other service benefits.

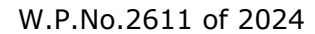
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For Petitioner : Mr.M.Madhuprakash
For Respondents : Mr.R.U.Dinesh Raj Kumar
Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records pertaining to "Termination of Probation" order bearing No.254/Po 3/2022 dated 09.01.2023 issued by the third respondent and confirmed by the first respondent bearing No.695 / Mu Vu / 2023 dated 10.05.2023, to quash the same and consequently to direct the first respondent to reinstate the petitioner in service with all consequential monetary and other service benefits.

2.The learned counsel appearing for the petitioner submitted that the petitioner's father died while he was in service and the petitioner was allotted job under the compassionate ground and was appointed as Junior Assistant at the office of the Superintendent of Central Prison, Salem on 06.09.2016 and was subsequently transferred to Central Prison, Puzhal, Chennai on 22.06.2018. The petitioner used to go to his house during the holidays. Whiles, on



3. The learned counsel appearing for the petitioner further stated that the petitioner did not give any confession statement to the respondents as if he consumed alcohol during the training period. Infact, the petitioner consumed alcohol along with his friends at a private place and reported duty the next day and the respondents found that there was smell of alcohol from the petitioner, thereby leading to an enquiry on the ground as if the petitioner gave confession statement before the Warden and admitted the guilt during enquiry as if he consumed alcohol during duty period. The learned counsel further submitted that even the alleged confession statement revealed



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that the petitioner consumed alcohol only in his native place and the allegation is that there was smell of alcohol.

4.The learned counsel appearing for the petitioner further submitted that if there is any doubt that the petitioner has consumed alcohol, the respondents should have sent the petitioner for medical examination, however, in the present case, no clinical examination was conducted. The learned counsel further submitted that without any clinical examination, terminating the petitioner from duty as if he consumed alcohol during duty period is not sustainable one and further submitted that the petitioner was appointed on compassionate ground and if the petitioner is terminated from duty, his family would be in lurch.

5.Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the petitioner's father was working in the Tamil Nadu Prison Department (now Department of Prisons and Correctional Services) as Probation Officer and he expired while he was in service. Thereafter, vide proceedings of the Additional Director General of Police and Inspector General of Prisons dated



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06.09.2016, the petitioner was appointed as Junior Assistant under compassionate grounds and the petitioner joined duty on 12.09.2016 at Central Prison, Salem. The petitioner was thereafter transferred to Central Prison – I, Puzhal on 22.06.2018. The petitioner was directed to undergo 41 days basic training for Government Servants at the Civil Service Training Institute, Bhavani Sagar, Erode from 19.05.2022 to 05.07.2022 and the petitioner was relieved from duty on 16.05.2022 and he reported the training institute on 18.05.2022.

6.The learned Additional Government Pleader appearing for the respondents further submitted that a communication dated 06.06.2022 was received by the third respondent from the Principal, Civil Service Training Institute, Bhavani Sagar, Erode informing that the petitioner was found to be drunk inside the training campus and hence, he was relieved from training on 06.06.2022. Thereafter, as per the order of the Director General of Police/ Director General of Prisons and Correctional Services dated 10.06.2022, departmental action was initiated against the petitioner and the petitioner was suspended from service on 14.06.2022. Thereafter, after enquiry, the third respondent vide proceedings dated 12.12.2022 awarded the punishment of 'reduced his pay to bottom of scale for a period of two



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years' and the petitioner re-joined duty on 21.12.2022. Aggrieved by the said order, the petitioner appealed to the first respondent and the first respondent found that the punishment awarded by the third respondent is insufficient and vide proceedings dated 10.05.2023, enhanced the punishment to 'Termination of Probation'.

7. Heard the arguments advanced on either side and perused the materials available on record.

8. Admittedly, the petitioner was given compassionate appointment due to the death of his father in the year 2016 and he was sent for training at Bhavani Sagar during the year 2022. The impugned order was passed as if the petitioner consumed alcohol during the duty period and admitted his guilt before the Warden. Perusal of the communication dated 06.06.2022 from the Principal, Civil Service Training Institute, Bhavani Sagar reveal that the petitioner made statement before the Warden as if he consumed alcohol along with his friends in his native place and returned to duty the next day.



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9.The charge memo reveals that the petitioner was in training at Bhavani Sagar and he consumed alcohol and the same was identified by the Warden and hence, he was relieved from training on the same day on 06.06.2022. If it is so, the petitioner ought to have been sent to the nearby hospital for conducting clinical examination to find out whether he has drunk, however, he was not sent and punishment was imposed on the petitioner solely on the ground of the confession statement given by the petitioner, however, the confession statement given by the petitioner goes contrary to the statement that the petitioner consumed alcohol during the duty period.

10.Further, enquiry was not conducted through medical records and neither the Principal nor the Warden was examined during enquiry and the petitioner did not admit that he consumed alcohol and the confession statement given by the petitioner makes it clear that he consumed alcohol along with his friends in his native place prior to 06.06.2022 and no material is available to prove that the petitioner consumed alcohol during the duty period.

11.Perusal of records reveal that after enquiry, the third



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respondent vide proceedings dated 12.12.2022 awarded the punishment of 'reduced his pay to bottom of scale for a period of two years'. Aggrieved by the said order, the petitioner appealed to the first respondent and the first respondent found that the punishment awarded by the third respondent is insufficient and vide proceedings dated 10.05.2023, enhanced the punishment to 'Termination of Probation'. The appeal was preferred by the petitioner, in which, the first respondent have no power to impose higher punishment that too without issuing any notice or conducting any enquiry.

12.In view of the above, the writ petition is allowed. The impugned orders are set aside. The respondents are directed to allow the petitioner to complete the training period. No costs.

08.12.2025

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Index: Yes/ No

Speaking Order: Yes/ No

NCC: Yes/ No



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M.DHANDAPANI,J.
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