IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.01.2025

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND
THE HON'BLE MR.JUSTICE M.JOTHIRAMAN

W.P.No.1651 of 2025

M.Depalakshmi .. Petitioner

v.

1. The Additional Chief Secretary to Government
Home, Prohibition and Excise Department
Secretariat, Chennai 600 009

2. The Director General of Police / Inspector
General of Prisons and Correctional Service
Whannels Road, Egmore
Chennai 600 008

3. The Superintendent of Prison
Central Prison, Vellore 632 002

4. The Accountant General of Tamil Nadu (Audit)
Office of Accountant General
Teynampet, Chennai 600 018
(R4 suo motu impleaded vide order of Court
dated 21.01.2025 in WP.1651/2025) .. Respondents

Petition filed under Article 226 of the Constitution of India, praying for issuance of a Writ of Mandamus, directing the respondents to consider the representations dated 27.12.2024 and 17.01.2025 made by the petitioner and to provide the A class privileges to the petitioner's husband namely Senthilkumar @ Mudikondan, S/o Prakalathan, aged 40 years, Ct.No.4109, Life Convict, now confined in Central Prison, Vellore.

For Petitioner	::	Mr.P.Pugalenthi
For Respondents	::	Mr.R.Muniyapparaj Additional Public Prosecutor for R1 to R3 Mr.V.Vijay Shankar for R4

ORDER

(Order of the Court was made by S.M.SUBRAMANIAM,J.)

The writ of mandamus on hand has been instituted to direct the respondents to consider the representations dated 27.12.2024 and 17.01.2025 made by the petitioner and to provide the A class privileges to the petitioner's husband, namely, Senthilkumar @ Mudikondan, S/o Prakalathan, aged 40 years, Convict No.4109, Life Convict, now confined in Central Prison, Vellore.

2. The representation submitted by the petitioner reveals that 20 percent of the wages earned by the prisoners are deducted for the purpose of

paying compensation under the Tamil Nadu Victim Compensation Fund. Since the fund has not been utilised for the purpose for which it was created, representations are made to implement the scheme properly for the benefit of the victims. In other words, inaction and omission of the authorities are stated in the representation submitted by the petitioner for initiation of all necessary actions.

3. The Government issued G.O.(Ms)No.856, Home (Prison.III) Department dated 01.10.2009 notifying Tamil Nadu Victim Compensation Fund Rules, 2009. 'Victim Compensation Fund' has been defined under clause 2(i), which means the fund created from the 20 percent of wages deducted from the prisoners employed in industries or maintenance work in a prison. Clause 2(ii) defines 'Victim' as the person affected by the criminal act of the prisoner by loss of property, body offences like simple hurt, grievous hurt, physically challenged and murder etc. Procedures for maintenance of accounts, disbursement of victim compensation are provided under the Rules. Clause 10 enumerates audit of accounts. Accordingly, the accounts of the District Level Committee shall be audited

by the Internal Audit and by the Accountant General.

4. Mr.V.Vijay Shankar, learned counsel appearing on behalf of the Accountant General of Tamil Nadu (Audit), based on the written instructions, would submit that the last audit was conducted by the Accountant General in the year 2021. During the year 2015, certain objections have been raised by the Accountant General citing irregularities. It is not made clear whether the said irregularities are rectified or not. For the past about 3 ½ years, no audit was conducted by the Accountant General. The Accountant General vide their letter dated 24.01.2025 addressed to the learned Central Government Senior Standing Counsel would submit that they require three months time to complete the audit with reference to the Tamil Nadu Victim Compensation Fund being maintained by the prison authorities in the central prisons across the State of Tamil Nadu.

5. The learned Additional Public Prosecutor Mr.R.Muniyapparaj would submit that the accounts are maintained properly with the treasury

concerned and the funds are sanctioned by the Government for disbursement to the eligible victims. There is no possibility of misappropriation of the funds under the Scheme. With reference to the relief sought for in the representation by the petitioner, the learned Additional Public Prosecutor would submit that 'A' class facilities, as admissible under the Rules, have already been provided to the prisoner in the present case.

6. Be that as it may, this Court is of the considered opinion that when the allegations raised by the petitioner are found to be serious relating to misappropriation, irregularities in dealing with the victim compensation fund, it requires thorough scrutiny.

7. In view of the facts and circumstances, the Principal Accountant General (Audit), Tamil Nadu is directed to conduct audit by constituting necessary teams in the Central Prisons across the State of Tamil Nadu concerning the Tamil Nadu Victim Compensation Fund with details and submit a report to the first respondent Government for initiation of all

appropriate actions. The first respondent, on receipt of report from the Principal Accountant General (Audit), Tamil Nadu, shall scrutinize the report and initiate all appropriate actions as required under law and in the event of any illegality or irregularity, suitable actions are to be initiated against all officials who are all responsible and accountable for all such lapses, negligence, dereliction of duty, etc. The said exercise is directed to be completed by the first respondent Government within a period of three months from the date of receipt of a copy of the audit report from the office of the Principal Accountant General (Audit), Tamil Nadu. The writ petition stands disposed of. Consequently, W.M.P.No.1890 of 2025 is closed. No costs.

Index : yes (S.M.S.,J.) (M.J.R.,J.)
Neutral citation : yes 27.01.2025

ss

To

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5. The Public Prosecutor
   High Court, Madras

S.M.SUBRAMANIAM,J.

AND

M.JOTHIRAMAN,J.

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W.P.No.1651 of 2025

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