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W.A.No.2248 of 2025

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2025

CORAM:

**THE HONOURABLE MR. JUSTICE R.SUBRAMANIAN
AND
THE HONOURABLE MR. JUSTICE K.SURENDER**

**W.A.No.2248 of 2025
and
C.M.P.No.17242 of 2025**

1.The Director General of Police/
The Director General of Prison,
Egmore, Chennai – 600 008.

2.The Deputy Inspector General of Prison,
The In Charge of Sub-Jail,
Perambalur District,
Trichy Range,
Trichy.

... Appellants

Vs.

S.Yuvaraj

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order dated 06.02.2024 made in W.P.No.4162 of 2021 and allow the above Writ Appeal.

For Appellant : Mr.P.Kumaresan, AAG

For Respondent : Mr.K.Selvaraj



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J U D G M E N T

WEB COPY (Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge is to the order of the learned Single Judge setting aside the punishment of compulsory retirement imposed on the respondent.

2. The respondent, who was working as a Warder in the Prison Department was charge sheeted for certain delinquencies and the punishment of compulsory retirement was imposed on him on 04.05.2004. An appeal filed by him was also rejected. Upon challenge, this Court found that the punishment is dis-proportionate to the proved delinquency and directed the Authorities to re-consider the punishment. Pursuant to the said order, the order impugned in the Writ Petition in W.P.No.4162 of 2021 came to be passed on 01.06.2020, re-affirming the punishment of compulsory retirement. The learned Single Judge, who heard the challenge to the said order, concluded that the directions issued by this Court in the order dated 29.08.2018 have not been complied with in their letter and spirit and therefore, after setting aside the order, remitted the matter again for re-consideration. Aggrieved the Department is on appeal.



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3. We have heard Mr.P.Kumaresan, learned Additional Advocate

General appearing for the appellants and Mr.K.Selvaraj, learned counsel appearing for the respondent.

4. Mr.P.Kumaresan, learned Additional Advocate General appearing for the appellants would submit that the appellants took into account the service record of the respondent, which depicted that he has suffered several minor punishments during his service in the Department. Therefore, in view of his past conduct, as well as the present charges, which have been held to be proved, the Authorities thought it fit to re-affirm the punishment of compulsory retirement.

5. Contending contra Mr.K.Selvaraj, learned counsel appearing for the respondent would submit that the delinquencies which were complained of were very minor in nature and even the delinquencies that were alleged by the charge memo dated 23.09.2003 is also a minor delinquency and the same will not earn a capital punishment of compulsory retirement.



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6. We have considered the rival submissions.

7. No doubt, the respondent has been visited with punishments for certain delinquencies earlier during the period of his service. That by itself cannot be a ground for imposing the punishment of compulsory retirement. Even the proved delinquency, which was the cause of the latest of the disciplinary proceedings is not a very serious charge. It appears that the respondent who was unwilling to attend guard duty had required the other Warder to change the duty. This by itself cannot be considered to be a very serious delinquency to invite the punishment of compulsory retirement.

8. The original order of punishment was made on 02.07.2004 and we are at least 21 years ahead now. We therefore do not see any reason to remit the matter to the Authorities for re-consideration. Considering the service history as well as the proved delinquencies, we find that stoppage of increment for 2 stages with cumulative effect for a period of 5 years would be sufficient punishment. The Department will reinstate the respondent and



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workout the benefits payable to him as if he was in service. It is made clear that he would not be entitled to salary for the period from original date of punishment i.e., 02.07.2004 till date of superannuation. But, that period will be counted as service for the purpose of calculation of pensionary benefits. The exercise as directed above shall be carried out within a period of eight (8) weeks from the date of receipt of a copy of this order.

9. This Writ Appeal is disposed of with the above directions. No costs. Consequently, the connected miscellaneous petition is closed.

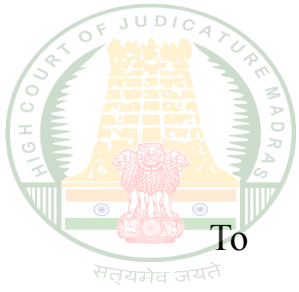
(R.S.M.,J.) (K.S.,J.)
18.07.2025

dsa

Index : No

Neutral Citation : No

Speaking order



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To

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