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W.A.No.3040 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.3040 of 2025
and
C.M.P.No.24592 of 2025

The State of Tamil Nadu,
Represented by
The Principal Secretary to Government,
Home (Pri I) Department,
Secretariat,
Chennai - 600 009.

... Appellant

-Vs-

S.Rajendran,
The Superintendent of Prisons,
Superintendent Quarters,
Central Prison,
Puzhal.

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 11.07.2024 in W.P.No.31432 of 2014.



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For Appellant : Mr.J.Ravindran
Additional Advocate General
Assisted by Mr.S.Yashwanth
Additional Government Pleader

For Respondent : Mr.G.Rajkumar

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 11.07.2024 made in W.P.No.31432 of 2014.

2. Against the respondent, when he was working as Superintendent of Police and awaiting for further promotion to the post of Deputy Inspector General of Prisons, there has been a charge memo by way of initiating disciplinary proceedings. In the disciplinary proceedings, five charges were framed against him. Though belatedly, an enquiry was conducted and the Enquiry Officer has given a report wherein three out of five charges framed



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against him since has been proved, final order has been passed on 30.06.2014

imposing the punishment of recovery of money and stoppage of increment for three years without cumulative effect. In this context, it is further to be noted that, since there has been an inordinate delay on the part of the appellant employer in completing or concluding the disciplinary proceedings despite the Enquiry Officer's report having been made ready, the respondent / writ petitioner already approached the writ Court and filed the writ petition, i.e., W.P.No.19433 of 2013, where even though the prayer was sought to quash the charge memo as well as the Enquiry Officer's report, ultimately, by order dated 17.07.2013, the writ Court only directed the employer to pass final orders pursuant to the Enquiry Officer's report within a period of eight weeks.

3. However, not even within the period of eight weeks, but only on 30.06.2014 almost after eleven months, final order as stated *supra* since has been passed and on that basis, his promotion to the post of Deputy Inspector General of Prisons since has not been given, he had approached once again the writ Court by filing the present writ petition, i.e., W.P.No.31432 of 2014 to



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quash G.O.(2D)No.224 Home (Pri.1) Department, dated 30.06.2014, i.e., the

order of punishment and seeking for further direction to promote the respondent

/ writ petitioner to the post of Deputy Inspector General of Prisons on par with

his junior with all service benefits.

4. The writ Court having considered the merits of the case and after hearing the learned counsel appearing for both sides, has passed a detailed order on 11.07.2024, by which, the learned Judge allowed the writ petition to the following effect:

"35. In view of the above, the Writ Petition is allowed. The order of the respondent in G.O.(2D)No.224 dated 30.06.2014 is quashed and the respondent is directed to promote the petitioner notionally to the post of Deputy Inspector General of Prisons on par with his juniors with all service benefits including seniority and arrears of pay. Consequently, the connected miscellaneous petitions are closed. No costs.



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Aggrieved over the same, the present intra Court appeal has been directed.

5. Heard Mr.J.Ravindran, learned Additional Advocate General appearing for the appellant/State and Mr.G.Rajkumar, learned counsel appearing for the respondent / writ petitioner.

6. We have gone through the order impugned passed by the writ Court where the learned Judge allowed the writ petition mainly on two grounds, one is that, the appellant not having initiated action against the contractor and the second is that the entire enquiry proceedings have been delayed, leading to the punishment for over eight years.

7. These are the two main grounds on which the learned Judge allowed the writ petition through the impugned order. We find that, insofar as the delay of eight years as mentioned by the learned Judge in the impugned order, i.e.,



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period between 2006 and 2009 and again between 2010 and 2014, the

arguments advanced by the learned Additional Advocate General are that, once an order has been passed in the writ petition filed by the very respondent / writ petitioner itself in W.P.No.19433 of 2013, where orders has been passed by the writ Court on 17.07.2013 where the prayer sought for by the writ petitioner to quash the charge memo as well as the Enquiry Officer's report has been turned down and only direction has been given to the employer to pass final orders within a time frame of eight weeks, by passing such order, the issue of the delay has got completely absolved and therefore, if at all any delay caused by the employer subsequent to the order dated 17.07.2013, that alone is attributable on the part of the employer and therefore, the eight years delay which mainly influenced the mind of the writ Court for passing the order impugned in allowing the writ petition may not be a justifiable one, he contended.

8. We find some force in the said submission made by the learned Additional Advocate General appearing for the appellant. The reason being that, the very



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same writ petition filed in W.P.No.19433 of 2013 by the writ petitioner was

ended in an order dated 17.07.2013, whereby the direction was given by the writ

Court to pass final orders only within a period of eight weeks.

Therefore the delay part of eight years are so, if at all has been raised, that has

also got absolved by the said order passed by the writ Court dated 17.07.2013,

as against that order, no appeal further has been filed by the writ petitioner,

therefore, that main ground of the delay allegedly taken place for eight years as

stated *supra* might not have influenced the mind of the writ Court, therefore on

that reasons, we do not find the order passed by the writ Court is to be accepted.

But at the same time, insofar as the other aspects of the entire gamut of the issue

in conducting the disciplinary proceedings for several years and by virtue of the

pendency of the disciplinary proceedings since the promotion prospects of the

respondent / writ petitioner since got affected for several years and by the time

since he retired from service on superannuation, he lost the chance of becoming

Deputy Inspector General of Prisons during his service period, therefore to that

extent, the direction given by the learned Judge through the impugned order in

Paragraph No.35 as extracted herein above to promote the petitioner notionally



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to the post of Deputy Inspector General of Prisons on par with his juniors has to

be accepted and accordingly, to that extent, the order passed by the writ Court is

to be sustained.

9. But at the same time, the fact remains that, till the superannuation since promotion has not been effected and even now only, notional promotion has been directed to be given as per the order impugned, such notional promotion shall not carry any arrears of pay, therefore, the direction given to that effect by the writ Court in payment of arrears of pay for the period of actual entitlement of getting the notional promotion to the post of Deputy Inspector General of Prisons till the date of superannuation as ordered by the writ Court, in our considered view, may be an erroneous one, therefore, to that extent, the direction given by the learned Judge is liable to be interfered with, as a result of which, this Court is inclined to dispose of the writ appeal with the following orders:

(i) that the order impugned passed by the writ Court is



sustained, accordingly, it is sustained and is approved except with the following modification that the respondent / writ petitioner shall be entitled to get notional promotion to the post of Deputy Inspector General of Prisons on par with his juniors with service benefits, i.e., calculating the service till his superannuation only for the purpose of pensionary benefits.

(ii) It is made clear that, he shall not be entitled for any arrears of pay by getting such notional promotion to the post of Deputy Inspector General of Prisons.

(iii) The modified order herein passed by this Court is to be complied with by the appellant within a period of two months from the date of receipt of a copy of this judgment.

10. To that extent, by giving such modification of the order impugned, this Writ Appeal is disposed of accordingly. Consequently, connected miscellaneous petition is closed. However, there shall be no order as to costs.

(R.S.K., J.)

(H.C., J.)



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NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

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To

The Superintendent of Prisons,
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