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W.A.No.3685 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2025

CORAM

**THE HONOURABLE MR.JUSTICE R.SURESH KUMAR
and
THE HONOURABLE MR.JUSTICE SHAMIM AHMED**

**W.A.No.3685 of 2025
and
C.M.P.No.30375 of 2025**

1. The Superintendent of Prisons,
Central Prison,
Coimbatore.
2. The Director General of Prisons
and Correctional Services,
Egmore,
Chennai – 8.

... Appellants

-Vs-

Mohanraj

... Respondent

PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 03.04.2025 in W.P.No.33132 of 2015.

For Appellants : Mr.S.Yashwanth
Additional Government Pleader

For Respondent : Mr.P.I.Thiruoorthy



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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 03.04.2025 made in W.P.No.33132 of 2015.

2. The respondent was the writ petitioner who was working at the appellant Department against whom based on the criminal case, a disciplinary proceeding also departmentally was initiated, however the same has been proceeded with only just one day prior to the superannuation of the respondent / writ petitioner.

3. Even though there was a criminal case under which A1 was a third party, A2 is the writ petitioner, i.e., respondent herein, A3 is the co-employee, insofar as A3 who is a co-employee, no disciplinary proceeding has been initiated by the Department, whereas the disciplinary proceeding just one day prior to the superannuation was initiated only against the respondent / writ petitioner.

4. Ultimately, the disciplinary proceeding ended in inflicting into a maximum punishment of removal of service which is under challenge before the writ Court.



5. It is to be noted that, insofar as the criminal case is concerned, it ended in compounding and therefore, it can be taken as if that there has been a violation on the part of the respondent / writ petitioner. However, whether the said violation requires the maximum punishment of dismissal of service has been discussed by the writ Court with the following paragraphs of the impugned order:

“36. There is no dispute that the decision of the disciplinary authority is based on the report of the Inquiry Officer. It also cannot be said that the Petitioner had been honourably concluded so as to efface the misconduct committed by him while he is in service with the 1st Respondent / under the 2nd Respondent Director General of Prisons and Correctional Services, Egmore, Chennai.

37. At the same time, the fact remains that the Petitioner has served with the Respondents since 1984 when he entered the Prisons Department as Grade-II Warder on 05.05.1984. Almost 28 years of service was without any blemish. Only on 13.01.2013, the Petitioner was implicated in the charge sheet as a co-accused along with the main accused Suresh (Habitual Offender) and co-employee namely Velusamy. This was just about 2 years before the date of his attaining the age of superannuation on 30.05.2014.

38. Considering the fact that the Petitioner was not involved in any other cases apart from the last mentioned case in his long career with the Respondents since 1984, I



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am of the view that the punishment of dismissal from service at the fag end of the career based on the confessional statement of the main accused in C.C.No.126 of 2018 is too harsh, particularly in the light of the fact that the Petitioner has also compounded the offence under Section 320(8) of Cr.P.C.”

6. Since the criminal case has been compounded and only based on the confession statement given by A1 who is a third party, the disciplinary proceeding has been initiated against the respondent / writ petitioner and he has rendered 28 years of unblemished service and taking into consideration of all these factual matrix, the learned Judge was of the view that the maximum punishment of dismissal of service is disproportionate and shocks the conscience of the Court, therefore, indulgence has been shown by the writ Court by modifying the punishment into compulsory retirement.

7. We after having heard Mr.S.Yashwanth, learned Additional Government Pleader appearing for the appellants and Mr.P.I.Thiruoorthy, learned counsel appearing for the respondent and having gone through the materials placed before this Court, is of the considered view that, the approach and the conclusion reached by the writ Court through the impugned order is a justifiable one because of the reasons that have been recorded in the impugned order as we have extracted herein above.



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8. Resultantly, there is no plausible reason at our hands to interfere with the order passed by the writ Court which is impugned herein, hence, the present Writ Appeal fails and accordingly, it is dismissed. The modified punishment of compulsory retirement by the writ Court since is approved in this order, the service benefits accrued on the respondent / writ petitioner by inflicting the punishment of compulsory retirement shall be calculated and be paid / disbursed by the appellant employer within a period of eight weeks from the date of receipt of a copy of this judgment. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

(R.S.K., J.) (S.S.A., J.)
08.12.2025

NCC : Yes / No
Index : Yes / No
Speaking Order : Yes / No

vji

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