



WP(MD). No.31089 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 31.10.2025

CORAM

THE HONOURABLE MR. JUSTICE K.KUMARESH BABU

WP(MD). No.31089 of 2025

and

W.M.P(MD).Nos.24303 and 24305 of 2025

K.Alexpandi,

... Petitioner

Vs

1. The Deputy Inspector General of Prisons(DIG),
Madurai Central Prison Campus,
Madurai..
2. The Superintendent of Prison,
Madurai Central Prison Campus,
Madurai..
3. The Deputy Superintendent of Police,
Crime Branch,
Sivagangai,
Sivagangai District..
4. The Enquiry Officer / Prison Officer,
Madurai Central Prison,
Madurai..

... Respondents



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PRAYER :- Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus calling for the records relating to the impugned order passed by the fourth respondent in his proceeding in எண்.2743/கி.சி.1/2025 dated 23.10.2025 and quash the same as illegal and consequently to direct the respondents to furnish the remaining copies of documents relevant to the enquiry to enable to the petitioner for participation and completion of enquiry to facilitate the conclusion of disciplinary proceedings initiate against the petitioner within the period that may be stipulated by this Court.

For Petitioner : Mr.M.Mohammed Imran
For Respondents : Mr.M.Siddharthan
Additional Government Pleader

ORDER

The writ petition has been filed calling for the records relating to the impugned order passed by the fourth respondent in his proceeding in எண்.2743/கி.சி.1/2025 dated 23.10.2025 and quash the same as illegal and consequently to direct the respondents to furnish the remaining copies of documents relevant to the enquiry to enable to the petitioner for participation and completion of enquiry to facilitate the conclusion of



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disciplinary proceedings initiate against the petitioner within the period that may be stipulated by this Court.

2. The learned counsel for the petitioner would submit that the petitioner was working as Grade-II Warden at the Open Air Jail, Purasadaidaiappu, Sivagangai District and by the order dated 09.07.2025, he was placed under suspension. A criminal case in Crime No.17 of 2025 on the file of the DCB, Sivagangai, was also registered, in which the petitioner had been granted anticipatory bail by this Court in CrI.O.P(MD).No.16393 of 2025 dated 25.09.2025. While that being so, a charge memo dated 17.09.2025 has been issued framing 10 charges and the same was served upon the petitioner. He would submit that 11 documents relating to the charges were marked and served upon the petitioner. Hence, the petitioner made a representation on 19.10.2025 seeking the furnishing of 21 documents. According to him, only 15 documents were furnished to him and therefore, he made another representation on 24.10.2025 for the very same reason. However, on 23.10.2025, proceedings were issued directing him to participate in the enquiry, even though the documents sought for had not been furnished to



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the petitioner. He would submit that the entire proceedings initiated against him are *mala fide* and without any material basis. Any further proceedings pursuant to the said charge memo would be against the principles of natural justice. Hence, he seeks the indulgence of this Court.

3. Countering his arguments, the learned Additional Government Pleader would submit that there are about nine documents listed in the Annexure-III to the charge memo and all the said documents have been served upon him. He would submit that by his representation dated 19.10.2025, the petitioner sought 8 documents, out of which certain documents were furnished to him under a communication dated 23.10.2025 and thereafter, on the very same date, a notice of enquiry had been served upon the petitioner. However, the petitioner has not participated in the enquiry and has only made another representation to protract the proceedings. The charge against the petitioner is misappropriation of funds. Further the documents that he has sought for at S.No.1 in his representation dated 24.10.2025 is not relevant to the charges and the second request is for the production of the statements of



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witnesses 1 to 6 listed in the Annexure report. He would submit that as regards the statements, the same would be recorded only at the time of enquiry and what had been recorded in the criminal enquiry cannot be used during the disciplinary proceedings. Hence, he prays to dismiss the writ petition.

4. I have considered the arguments advanced by the learned counsel on either side and perused the materials available on record.

5. It is not in dispute that the documents listed in the Annexure-III along with the charge memo were given to the petitioner. The petitioner sought various documents by his representation dated 19.10.2025 and the same has also been forwarded. However, the learned counsel for the petitioner contended that certain documents have not been furnished to him.

6. It is to be noted that if such documents have not been served upon him and the same are relevant to the Disciplinary proceedings, it is only the petitioner who would be at an advantage position, if the



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disciplinary proceedings are held against him. Further, as rightly pointed out by the learned Additional Government Pleader the statements of the witnesses would be recorded only during the disciplinary proceedings in the presence of the delinquent. If the delinquent purposely absents himself is at a disadvantage position and the disciplinary proceedings cannot be found faulted for it. When such statements are recorded in the presence of the writ petitioner, the petitioner would also have a right to cross- examine the said witnesses either immediately or after receipt of written statements recorded by disciplinary authority, upon his request.

7. For the afore said reasons, this Court does not find any merits in this writ petition. Accordingly, this writ petition is dismissed. No Costs. Consequently, connected miscellaneous petitions are closed.

31.10.2025

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K.KUMARESH BABU,J

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