



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09-06-2026

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THE HON'BLE MS. JUSTICE P.T. ASHA

**WP No. 10619 of 2024
and
WMP NO. 11687 OF 2024**

M.Tamilvanan
S/o. Madhaiyan, 17/2.1A, Dharmapuri Main Road,
Erakundapatti Post, Mecheri, Mettur Taluk, Salem
District 636 451

..Petitioner(s)

Vs

1. The Government Of Tamil Nadu
Rep. By The Secretary To Government (FAC) ,
Public (law And Order A) Department, Fort St.
George, Chennai 09
2. The Director General Of Prisons And
Correctional Services, Chennai 08.
3. The Superintendent
Central Prison, Salem,
Salem 636 008

..Respondent(s)

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus call for the records relating to the impugned order of the first respondent in G.O. Ms.No. 323 Public (Law and Order-A) Department dated 24.05.2023 and the



consequential order of the third respondent in No. 14456/ Po-1/ 2023 dated 22.03.2024 and quash the said orders.

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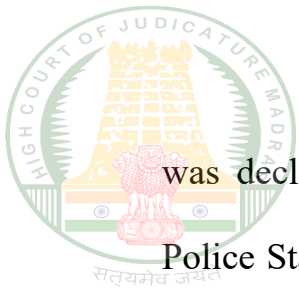
For Petitioner(s): Mr. P.Manojkumar

For Respondent(s): Mr. K.Sathish,
Government Advocate

ORDER

This writ petition has been filed seeking to call for the records relating to the impugned order of the 1st respondent in G.O. Ms.No. 323 Public (Law and Order- A) Department dated 24.05.2023 and the consequential order of the third respondent in No. 14456/ Po-1/ 2023 dated 22.03.2024.

2. The petitioner would submit that he is working as Warder Grade-I at the Central Prison, Salem. He was initially appointed as Warder Grade-II on 21.02.2011 and was promoted as Warder Grade-I on 12.06.2016. The petitioner states that a remand prisoner, Mr. Dhanapal (Prisoner No. 5848), who had been lodged in Omalur Sub Jail on 02.05.2021, was transferred to Central Prison, Salem on 18.05.2021. On 09.11.2021, while the petitioner was on duty, the prisoner allegedly attempted suicide by hanging himself with a towel. Though the prisoner was immediately rescued and taken to the Government Mohan Kumaramangalam Medical College Hospital, Salem, he



was declared dead on arrival. Hence, a case was registered in Hasthampatti Police Station in Crime No.344 of 2021 under Sections 176(1-A)(ii) of Cr.P.C.

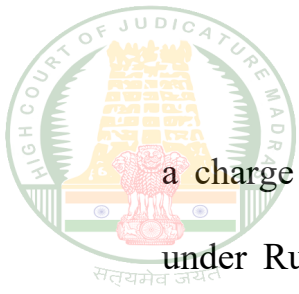
An enquiry conducted by the Judicial Magistrate concluded that the cause of death was asphyxia due to hanging and that there was no torture by prison personnel. Subsequently, a charge memo dated 22.11.2021 was issued to the petitioner alleging that he had failed to supervise the prisoner till he converted his towel into a rope, which resulted in the incident. Though the petitioner submitted a detailed explanation, a punishment of stoppage of increment for six months without cumulative effect was imposed. The petitioner preferred an appeal against the said order before the Appellate Authority, namely, Deputy Inspector General of Prison, Salem on 02.01.2024 and the said appeal is still pending. Thereafter, pursuant to the recommendation of the National Human Rights Commission regarding payment of compensation to the deceased prisoner's family, the Government had issued G.O.Ms. No.323 dated 24.05.2023 sanctioning compensation of Rs.3,00,000/- to the next of kin of the deceased prisoner and directing recovery from the concerned prison officials. A show cause notice was thereafter issued to the petitioner on 30.01.2024, and despite his explanation, an order dated 22.03.2024 was passed directing recovery of Rs.3,00,000/- from his salary in 120 monthly instalments. Challenging the said Government Order and consequential recovery proceedings, the present writ petition has been filed.



3. Heard the learned counsel on either side and perused the materials available on record.

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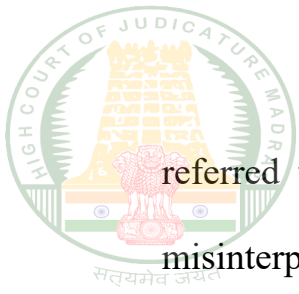
4. This is a rather unfortunate case where an already overworked warder in the Central Prison is made liable to defray the compensation imposed upon the State on account of the death by hanging of a prisoner in Central Prison, Salem. The facts and documents would indicate that on 18.05.2021 one remand prisoner Dhanapal No.5848 was transferred to the Central Prison, Salem from Omalur Sub Jail. On 09.11.2021 at about 13.40 hours when the petitioner was on duty, he noticed that the said prisoner had attempted to commit suicide by hanging himself. He was housed in the 9th Cell of Tower 1 Block and had used the towel as a rope to commit suicide. The petitioner had immediately rescued him and had, on the advice of the prison Medical Officer, rushed him to the Government Mohan Kumaramangalam Medical College Hospital, Salem for further treatment through prison escort wardens and the prison Medical Officer. However, the duty Medical Officer at the Salem Hospital declared that he was brought dead at around at 14.15 hrs and a case was therefore registered in Hasthampatti Police Station in Crime No.344 of 2021. The report of the Judicial Magistrate -III stated that the cause of the death was asphyxia due to hanging and that there is no torture by the police personnel. Further, the Magistrate had ruled out the possibility of any foul play in the death. However,



a charge memo appears to have been issued to the petitioner on 22.11.2021 under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal)

Rules by the Superintendent, Central Prison, Salem calling upon the petitioner to submit his explanation as to why he had failed to supervise the remand petitioner till he tore and converted the towel into a rope resulting in the death. A detailed explanation has also been submitted on 14.12.2021. The records would reveal that the petitioner was imposed with the punishment of stoppage of increment for six months without cumulative effect. Challenging the said order, the petitioner has filed an appeal, which is pending.

5. Meanwhile, the National Human Rights Commission, New Delhi held that that the jail authority had failed in their primary responsibility which has resulted in the death of an under trial prisoner. The Commission held the State to be vicariously liable and issued notice to the Chief Secretary calling upon him to show cause as to why compensation of Rs.5,00,000/- should not be recommended. The records would reveal that the State has decided to sanction a sum of Rs.3,00,000/- to the next of kin of the deceased and the balance amount was directed to be recovered from the prison officials. This has led to the issuance of the show cause notice by the 3rd respondent on 30.01.2024 calling upon the petitioner to show cause to why a sum of Rs.3,00,000/- should not be recovered from him. His explanation dated 08.02.2024 has not been



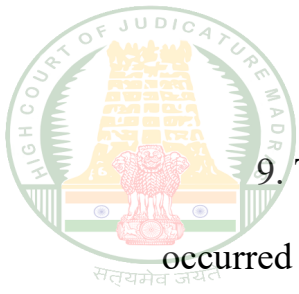
referred to in the impugned order. In fact the impugned order has totally misinterpreted the report submitted by the Judicial Magistrate inasmuch as in the impugned order the 3rd respondent would submit that the Judicial Magistrate had recorded that the death was due to foul play.

6. In the additional counter, the respondents have stated that the Central Prison, Salem consists of 19 blocks. They have admitted that the petitioner, on the date of occurrence, i.e. on 09.11.2021, has been placed in-charge of two blocks, namely, Tower I and II Blocks, which are adjacent to each other. In the said prison, there are 314 prisoners who are confined in the above blocks. Two blocks are allotted for guard duty to a single warder. The blocks consist of ground and first floor. This allocation of duty is totally contrary to the permanent sanction strength of 1:6. The records would further reveal that the petitioner had immediately rescued the victim, who unfortunately passed away on account of asphyxia. There is a clear and categoric report by the Judicial Magistrate that there was no foul play in the death. Despite this, the State seeks to recover the compensation imposed upon them from the prison officials, particularly the petitioner herein.



7. The very act of entrusting 314 prisoners in two blocks consisting of a ground and a first floor is, by itself, a violation of the Human Rights vis-a-vis the petitioner herein. The petitioner's duty to man these blocks for 8 hours a day is gruelling. The petitioner, who is already stressed out, has now been inflicted with this punishment. The State has failed in its duty to provide adequate police force in the prison. A mere absurd charge cannot be invented the prompt action taken by the petitioner to rescue the prisoner has now turned against him.

8. The learned Judge of this Court, in its order in W.P(Md) No.17648 of 2020, had highlighted the problems faced by the police. The learned Judge had lamented that there is no mechanism available in the police force where the policemen could air his grievances. The reduced number of personnel and the increased number of working hours have increased stress and work pressure of these personnel has led to frustration amongst the uniformed force. The learned Judge had suggested that a commission headed by a retired Judge of the High Court be constituted to analyse and identify the reasons for problems in the police force.



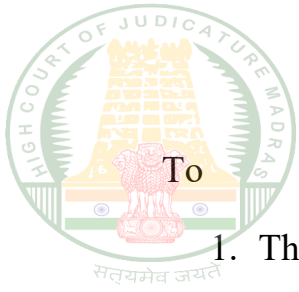
9. The present case is a classic case of “passing the buck”. The death had occurred on account of the suicide. The family members of the deceased did not suspect foul play and the Judicial Magistrate appointed to investigate and submit a report has clearly opined so. Such being the case, because the State Human Rights Commission had directed the State to pay compensation on account of their negligence, the impugned order came to be passed. The State has failed in its duty by not providing the requisite number of personnel and therefore, the liability is entirely theirs and they cannot seek recovery it from the petitioner. The earlier suggestion of this Court to constitute a commission to look into the working conditions of the police force has been ignored. Further steps have not been taken to fill up the vacancies and therefore, the existing police force is over worked.

10. In the light of the above discussion, the impugned orders of the 1st and 3rd respondents dated 24.05.2023 and 22.03.2024 are set aside. Accordingly, this writ petition is allowed. Consequently, connected miscellaneous petition is closed.

09-06-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No

SRN



To

1. The Secretary To Government (FAC)

Government Of Tamil Nadu Public (law And
Order A) Department, Fort St. George,
Chennai 09

2. The Director General Of Prisons And
Correctional Services, Chennai 08

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