



WEB COPY

WP No. 12759 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06-04-2026

CORAM

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

**WP No. 12759 of 2026
& WMP.No.13956 of 2026**

Kaliraj
S/o. Pechiappan,
Gr. I Warder,
Central Prisons, Salem,

..Petitioner(s)

Vs

1. The Director General of Prisons and
Correctional Services,
No.6, Annai E.V.R. Maniammai Salai,
Egmore, Chennai - 600 008.

2. The Superintendent of Prisons,
Central prison, Salem - 636 007.

..Respondent(s)

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, seeking for a Writ of Certiorarified Mandamus calling for the records of the 1st Respondent in connection with the impugned order passed by him in No.TNPCS/1789/2024-EW-2 dated 24.12.2025, quash the same and direct the Respondents to promote the petitioner as Havildhar and grant further promotion as Assistant Jailor at par with his Junior and grant him all consequential service and monetary benefits.

For Petitioner(s):

Mr.K.Venkataramani,
Senior Counsel
for Mr.M.Muthappan

For Respondent(s):

Mr.T.Chandrasekaran,
Special Government Pleader
for R1 and R2



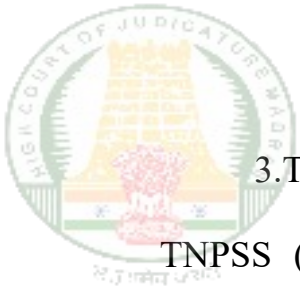
ORDER

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The writ petition is filed seeking for the following prayer:-

“for a Writ of Certiorarified Mandamus calling for the records of the 1st Respondent in connection with the impugned order passed by him in No.TNPCS/1789/2024-EW-2 dated 24.12.2025, quash the same and direct the Respondents to promote the petitioner as Havildhar and grant further promotion as Assistant Jailor at par with his Junior and grant him all consequential service and monetary benefits.”

2.The petitioner was recruited as Grade-II Warder in the Prison Department through a selection conducted by Tamil Nadu Uniformed Services Recruitment Board and appointed to service on 24.03.1998. Thereafter, the petitioner, while serving at Sub-Jail, Sankarankoil in the year 2008, was falsely implicated in a criminal case registered against him and several others in Crime No.233 of 2008 on the file of Karivalam Vandanallur P.S. for the offences under Sections 147, 294(B), 323, 506(ii) IPC. The allegation against the petitioner is that he along with 7 others attacked one Muthaiya. The petitioner who was alleged to have involved in the criminal case could not report for duty on 17.11.2008 on account of apprehension that he may be arrested in connection with the false case.



3. Thereafter, the petitioner was proceeded departmentally u/r 17(b) of the TNPSS (D&A) Rules containing two charges. The 1st charge is that the petitioner has involved in a criminal case registered in Crime No.233/2008 on the file of Karivalam Vandanallur P.S. and brought ill-reputation to the police force. The 2nd charge is that on 17.11.2008, the petitioner has absented himself from duty, thereby caused inconvenience to the Department. Though the petitioner denied the charges, the Prison Officer, Central Prison, Palayamkottai was appointed as the enquiry officer to conduct the oral enquiry. The oral enquiry was conducted on 18.11.2009 and the petitioner appeared before the enquiry officer and submitted a representation stating that in respect of the charge memo issued to him, a criminal case has already been filed against him before the competent Court and requested that the disciplinary proceedings may be kept in abeyance pending disposal of the criminal case.

4. However, the enquiry officer did not consider the representation of the petitioner and proceeded with the enquiry and examined 2 witnesses and held both the charges levelled against the petitioner to be proved and submitted the proved minute to the disciplinary authority on 17.04.2010. Thereafter, the petitioner was furnished with a copy of the EO report and directed to submit his further representation which he faithfully submitted on 17.04.2010 and at that time also the petitioner has informed the disciplinary authority about the conclusion of the trial of the criminal case pending before the Judicial



Magistrate, Sankarankoil. However, the disciplinary authority in his proceedings dt. 29.06.2010 held both the charges against the petitioner has been proved and for the proven charges imposed a punishment of reduction in time scale of pay for a period of one year without cumulative effect.

5.The said order was taken up on revision under Rule 36 of the Tamil Nadu Civil Services (Discipline and Appeal) Rules to the second respondent. The second respondent by order dated 07.02.2013 had modified the punishment to one of postponement of increment for one year without cumulative effect. The petitioner is aggrieved by the fact that the revisional authority has modified the punishment without notice to the petitioner and giving him an opportunity to present his case. The petitioner had challenged both these orders under W.P.No.33726 of 2013 and by order dated 13.12.2024, this Court had passed the following order:-

"5.In the light of the above, the impugned order bearing Ref.No.34088/EW2/2012 dated 07.02.2013 passed by the 2nd respondent is set aside, and the matter is remanded back to the 2nd respondent for considering the same afresh by duly affording an opportunity to the petitioner. The 2nd respondent is further directed to dispose the revision petition as expeditiously as possible, at any rate within a period of two (2) months from the date of receipt of a copy of this order."



6. Thereafter, the matter was remanded back to the second respondent with a direction that the second respondent should consider the revision afresh after giving a personal hearing to the petitioner. It appears that the second respondent has once again passed the order now impugned in this writ petition without following the dicta laid down in the earlier order namely giving the petitioner personal hearing. Without doing so, the second respondent has now passed a punishment of stoppage of increment for a period of two years without cumulative effect, which, by itself is an enhanced punishment. Once again, the punishment is modified without notice and without hearing the petitioner.

7. Therefore, the Writ Petition is allowed. The impugned order is quashed and the second respondent is directed to pass orders after following the directions issued by this Court in its order dated 13.12.2024 in W.P.No.33726 of 2013. If once again, the authority fails to follow the dicta laid down in WP.No.33726 of 2013, this Court shall impose cost on the authority concerned, as by ignoring the directions of this Court, the authority not only is flouting the orders of this Court, but also causing unnecessary expenditure to the exchequer. No costs. Consequently, the connected miscellaneous petition is closed.

06-04-2026

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



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P.T.ASHA, J.

TSG

To

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