



**W.P.(MD) Nos.12426 & 12431 of 2023**

**WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 04.03.2026**

**CORAM:**

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.(MD) Nos.12426 & 12431 of 2023**

**1. W.P.(MD) No.12426 of 2023:**

K.Raja

... Petitioner

-VS-

- 1.The Additional Chief Secretary  
Home (Prisons) Department  
Government of Tamilnadu  
Chief Secretariat  
St.George Fort, Chennai-600 009
- 2.The DGP / DGP of Tamilnadu Prisons  
and Correctional Services  
The office of Director  
General of Prisons  
No.6, Whennals Road  
Egmore, Chennai-600 008
- 3.The Deputy Inspector of Prisons and CS  
Office of DIG of Prisons & CS -  
Madurai Range  
Arasaradi, Madurai-625 016



**W.P.(MD) Nos.12426 & 12431 of 2023**

4.The Superintendent of Prisons  
Central Prison, Palayamkottai  
Tirunelveli-627 002

5.K.Shankar

6.A.Parasuraman

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to initiate departmental disciplinary action as against the respondents 5 & 6 and to withhold their retirement benefits by considering the petitioner's representation dated 26.04.2023 within a time that may be stipulated by this Court.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.B.Ramanathan  
Additional Government Pleader for R1 to R4  
No appearance for R5 & R6

**2. W.P.(MD) No.12431 of 2023:**

A.Jeya Manohar

... Petitioner

-vs-

1.The Additional Chief Secretary  
Home (Prisons) Department  
Government of Tamilnadu  
Chief Secretariat  
St.George Fort, Chennai-600 009



**W.P.(MD) Nos.12426 & 12431 of 2023**

WEB COPY

2.The DGP / DGP of Tamilnadu Prisons  
and Correctional Services  
The office of Director  
General of Prisons  
No.6, Whennals Road  
Egmore, Chennai-600 008

3.The Deputy Inspector of Prisons and CS  
Office of DIG of Prisons & CS -  
Madurai Range  
Arasaradi, Madurai-625 016

4.The Superintendent of Prisons  
Central Prison, Palayamkottai  
Tirunelveli-627 002

5.K.Shankar

6.A.Parasuraman

... Respondents

**PRAYER:** Petition filed under Article 226 of the Constitution of India, to issue a writ of mandamus directing the respondents 1 to 3 to initiate departmental disciplinary action as against the respondents 5 & 6 and to withhold their retirement benefits by considering the petitioner's representation dated 26.04.2023 within a time that may be stipulated by this Court.

For Petitioner : Mr.Henri Tiphagne

For Respondents : Mr.B.Ramanathan  
Additional Government Pleader for R1 to R4  
No appearance for R5 & R6



WEB COPY

**W.P.(MD) Nos.12426 & 12431 of 2023**

**COMMON ORDER**

These two writ petitions have been filed by two different petitioners, who are working as Warders in the Central Prison, Palayamkottai, Tirunelveli District, with an identical prayer seeking a writ of mandamus directing the respondents 1 to 3 to initiate departmental disciplinary action against the respondents 5 & 6 and to withhold their terminal benefits.

**2.** It is the case of the petitioners that while they were working as Warders in the Central Prison, Palaymkottai, they were transferred from the said prison to other places, on the ground of certain misconduct, but in the guise of administrative ground and the said transfer orders were the subject matter of litigation before this Court and this Court has been pleased to set aside the said transfer orders. As a consequence thereof, the petitioners were subjected to disciplinary proceedings by issuing charge memos and the said disciplinary proceedings were subsequently dropped by the sixth respondent on having found that the charges levelled against them were not established. As the disciplinary proceedings that were initiated against the petitioners were dropped subsequently by the fifth respondent after having conducted a



**W.P.(MD) Nos.12426 & 12431 of 2023**

WEB COUNSEL detailed enquiry into the matter, the petitioners have claimed that the disciplinary proceedings were initiated against them deliberately with a *mala fide* intention at the instance of the respondents 5 & 6 herein and they are liable to be prosecuted for initiation of departmental proceedings with a *mala fide* intention and therefore, they issued a legal notice dated 18.04.2023 to the respondent – authority calling upon them to initiate disciplinary proceedings against the respondents 5 & 6. In addition to the same, the petitioners also submitted yet another representations dated 26.04.2023 requesting the respondent – authority for initiation of disciplinary proceedings against the respondents 5 & 6. Complaining inaction on the part of the respondent – authority in connection with the representations submitted by them, the petitioners have approached this Court by filing the present writ petitions seeking a writ of mandamus.

**3.** The fourth respondent has filed detailed counter affidavits denying all the allegations made in the affidavits filed in support of these writ petitions.



**W.P.(MD) Nos.12426 & 12431 of 2023**

WEB COPY

4. For the disposal of these writ petitions, in the considered view of this Court, it is not necessary to refer all the averments made in the affidavits filed in support of these writ petitions and the reply submitted in the counter affidavits.

5. The only grievance of the petitioners is not taking action on the representations given by them to initiate disciplinary proceedings against the respondents 5 & 6. Insofar as the said allegation is concerned, the fourth respondent, in his counter affidavits, has categorically stated that the legal notice that was preceded to the representations in question was examined and the contents of the said legal notice were found baseless and there was no *prima facie* case to initiate disciplinary proceedings against the respondents 5 & 6. The relevant paragraphs from the counter affidavit filed by the fourth respondent are extracted hereunder:

*“17) With regard to the averments contained In the para 17, of the affidavit it is submitted that the legal notice was received in this office and the petitioner's allegations against the 5<sup>th</sup> and 6<sup>th</sup> respondent was baseless and there is no prima facie to initiate disciplinary action against them and it is*



WEB COPY



**W.P.(MD) Nos.12426 & 12431 of 2023**

*submitted that the perusal of the jailor report book complaint 25.04.2021 reveals that correction made by the 6<sup>th</sup> respondent was done due to mistake on oversight therefore the petitioner's allegation against the 5<sup>th</sup> and 6<sup>th</sup> respondent shows his malicious intention and vengeance, so it can't be entertained.*

*18) With regard to the averments contained in the para 18 of the affidavit it is submitted that the perusal of jailor report book complaint dated 25.04.2021 reveals that correction made by the 6<sup>th</sup> respondent was done due to mistake on oversight and also the 5<sup>th</sup> respondent has no personal vengeance against the petitioner to make him as a victim. Moreover it is submitted that 9 other staff were also issued charge memo under 17(b). The 5<sup>th</sup> Respondent Namely Tr.K.Sankar, Superintendent of Prisons, Central Prison, Palayamkottai permitted for retirement on superannuation on the afternoon of 31.05.2023 vide G.O.(D) No.615 Home (Prison 1) Department Dated. 31.05.2023.”*

**6.** In addition to the same, Mr.B.Ramanathan, learned Additional Government Pleader appearing for the respondents 1 to 4, also placed before this Court a copy of the report submitted by the Director General of Police / Director General of Prisons & Correctional Services, Egmore, Chennai, to the



**W.P.(MD) Nos.12426 & 12431 of 2023**

WEB C

Additional Chief Secretary to Government, Home (Pr.I) Department, Chennai, dated 15.05.2023, on the legal notice dated 18.04.2023 got issued by the petitioners.

**7.** A perusal of the said report also would disclose that the respondent – authority have, on examining the contents of the legal notice, which is also the subject matter of the representations claimed to have been submitted by the petitioners herein, arrived at a conclusion that there was no necessity to take further action against the respondents 5 & 6. In the light of the same, this Court is of the considered view that the complaints that were given by the petitioners in substance have been considered by the respondent – authority and they have arrived at a conclusion that there is no necessity of initiating any disciplinary proceedings against the respondents 5 & 6 and therefore, the cause in the present writ petitions itself does not survive.

**8.** Be that as it may, the fifth respondent has already retired from service as early as on 31.05.2023 and therefore, the question of directing for initiation of any disciplinary proceedings against him at this stage does not arise. Hence, on this ground also, these writ petitions are dismissed as against the fifth respondent.



**W.P.(MD) Nos.12426 & 12431 of 2023**

WEB COPY

**9.** Normally, this Court will not entertain a writ petition at the instance of an employee seeking the relief to take disciplinary action against another employee, as the same is neither to safeguard the fundamental rights nor the legal rights of the employee, but it is only to affect the rights of the another employee. This Court cannot be converted as a battleground for the rival parties, who have disputes in connection with their service and employment. Therefore, these writ petitions are also liable to be dismissed for want of maintainability.

**10.** Be that as it may, as already noted above, the complaints that were made by the petitioners were considered by the respondent – authority and they have arrived at a conclusion that there is no necessity of initiating any disciplinary proceedings against the respondents 5 & 6 and therefore, the relief sought in these writ petitions practically have become infructuous and even otherwise, in the considered view of this Court, these writ petitions with the relief sought therein cannot be entertained and the jurisdiction of this Court under Article 226 of the Constitution of India cannot be allowed to be misused at the instance of the petitioners herein.



**W.P.(MD) Nos.12426 & 12431 of 2023**

WEB COPY

**11.** Accordingly, these writ petitions are dismissed. No costs.

**04.03.2026**

NCC : Yes / No  
Index : Yes / No  
Internet : Yes / No

krk

To:

- 1.The Additional Chief Secretary,  
Home (Prisons) Department,  
Government of Tamilnadu,  
Chief Secretariat,  
St.George Fort, Chennai-600 009.
- 2.The DGP / DGP of Tamilnadu Prisons  
and Correctional Services,  
The office of Director  
General of Prisons,  
No.6, Whennals Road,  
Egmore, Chennai-600 008.
- 3.The Deputy Inspector of Prisons and CS,  
Office of DIG of Prisons & CS -  
Madurai Range,  
Arasaradi, Madurai-625 016.
- 4.The Superintendent of Prisons,  
Central Prison, Palayamkottai,  
Tirunelveli-627 002.



WEB COPY



**W.P.(MD) Nos.12426 & 12431 of 2023**

**MUMMINENI SUDHEER KUMAR, J.**

krk

**W.P.(MD) Nos.12426 & 12431 of  
2023**

**04.03.2026**