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W.A No. 3652 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-12-2025

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE V. LAKSHMINARAYANAN

WA No. 3652 of 2025

AND CMP NO. 30161 OF 2025

1.The Secretary To Government
Home (Prison-2) Department,
Fort St. George, Chennai – 009.

2.The Additional Director General Of Prisons,
Egmore, Chennai – 008.

3.The Deputy Inspector General Of Police,
Coimbatore, Coimbatore District.

4.The Superintendent Of Prisons, Central Prison,
Salem, Salem District.

..Appellants

Vs

R. Muthukumar
S/o. Rajendran, 2/112C,
Gandhi Nagar, Thambampatty Post,
Salem District.

..Respondent



W.A No. 3652 of 2025

Prayer : Writ Appeal under Clause XV of the Letters Patent to set aside the order dated 09.11.2017 made in WP No.29554 of 2010.

For Appellants : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.E.Veda Bagath Singh
Special Government Pleader

For Respondent : Ms.C.Delecta
for Dr.S.Manoharan

Judgment

(Judgment of the Court was delivered by V.Lakshminarayanan J.)

The present appeal arises against the order in W.P.No.29554 of 2010 dated 09.11.2017. By the said order, the learned Single Judge quashed the disciplinary proceedings initiated against the writ petitioner and granted consequential reliefs.

2. For the sake of convenience, the parties shall be referred as per their ranks in the writ petition.

3.The facts leading to the writ petition are as follows:-

The petitioner was appointed as Grade II Warder in the Prison Department.

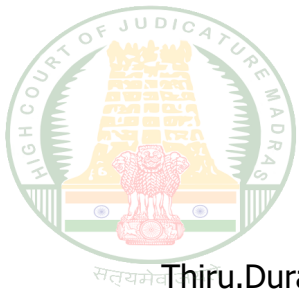


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He was appointed to the said post after having successfully cleared the examination, conducted by the Tamil Nadu Uniformed Services Board. He was appointed on 23.03.1998. While working in the Central Prison at Salem on 19.10.2000, the writ petitioner was given charge of the second gate of the prison. It was also alleged that the writ petitioner had left the second gate and left the prison without prior permission. It was also alleged that he had also not handed over charge in a proper manner. Hence, he was charged with violation of Rule 78(1) of the Tamil Nadu Prison Manual Volume-2, Rule 21 of the Tamil Nadu Government Servants (Discipline and Appeal) Rules and Section 54 of the Prison Act of 1894.

4. Though the incident had taken place on 19.10.2000, the charge memo was served on 06.02.2001. The petitioner gave his explanation on 22.02.2001 stating that the duty of the gate keeper was between 1.00 p.m., to 6.00 p.m., and post 6.00 p.m., the gate keeper of the main gate was to take care of the second gate also till 6.00 a.m., the ensuing day. He pleaded that, on 19.10.2000 the Jail authorities had arranged for a film show to be exhibited for the prisoners. Hence the Jailor, one



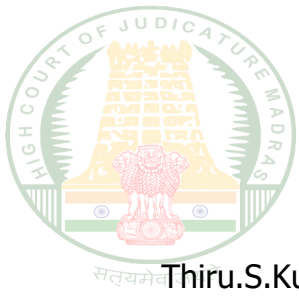
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Thiru.Duraiaraj, had requested the petitioner to continue his duty till 10.00 p.m. He added that accordingly he continued his para duty till 10.00 p.m and thereafter handed over the key to the Key Guard and left the Central Prison. He urged that these facts had been recorded in the Para Book maintained by the Prison Department. Not being satisfied with the explanation, an enquiry was ordered by the Superintendent of Prisons.

5. The petitioner challenged the charge memo issued to him, by way of an original application in O.A.No.1721 of 2001 before the Tamil Nadu Administrative Tribunal. By an order dated 20.12.2001, the Tribunal dismissed the Original Application and directed the applicant to face the enquiry.

6. During the enquiry, the petitioner requested 18 documents, which according to him were crucial and essential to face the enquiry effectively and for cross examination of the witness. Initially, the Superintendent of Prisons appointed the complainant Thiru.Duraiaraj as the Enquiry Officer. Subsequently,



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Thiru.S.Kuppusamy, Additional Superintendent of Prisons, Coimbatore was appointed as Enquiry Officer by the proceedings of the Additional Director General of Prisons on 26.04.2002.

7. During the course of enquiry, the applicant sought permission of the enquiry officer to direct production of the records that he had sought for. He also requested the enquiry officer to peruse the Para Book. The enquiry officer did not grant the relief sought despite the renewed request of the petitioner. He concluded the enquiry on 21.07.2003. On 04.08.2003, the fourth respondent informed the petitioner that the Para Book sought to be produced as his evidence could not be produced since the page dated 19.10.2000 (date of incident) was missing from the book.

8. The enquiry officer submitted a report that the charges had been proved. The report was placed before the 4th respondent, who agreed with the decision of the enquiry officer that the charges had been proved and rejected the final



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representation made by the petitioner. He imposed the punishment of dismissal

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from service. This order was passed on 06.01.2004.

9. Aggrieved by the order of dismissal, the petitioner preferred an appeal before the Deputy Inspector General of Prisons, Coimbatore Range on 23.01.2004. The appellate authority agreed with the findings of guilt arrived by the enquiry officer and by the disciplinary authority, but taking into consideration that the writ petitioner is a young officer and has a long service future ahead, modified the punishment of dismissal from service into one of reduction of pay to bottom of the scale for a period of five years, without cumulative effect. He also added that if the writ petitioner goes on leave other than casual leave, the period of punishment of five years would stand extended.

10. The writ petitioner, still feeling aggrieved preferred a revision petition to



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the Additional Director General of Prisons on 18.08.2004. This authority came to the conclusion that the penalty as modified by the appellate authority meets the ends of justice when compared to the nature of delinquency and hence rejected the revision. Continuing his efforts to exhaust the alternative remedy, the writ petitioner moved a petition before the first respondent on 05.06.2008. The first respondent rejected the petition filed by the writ petitioner holding it as baseless since no fresh points had been urged by him and passed an order accordingly.

11. The petitioner presented the writ petitioner challenging all these proceedings. This Court entertained the writ petition and issued notice to the respondents. The first respondent filed a counter on behalf of all the respondents. The pleadings having been completed, the learned Single Judge took up the matter for disposal. The learned Single found that the crucial documents viz., the Para Book dated 19.10.2000 had not been produced by the respondents. Hence, he concluded



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that, in absence of such crucial material, the only possible conclusion that the authorities should have arrived at is that the explanation offered by the petitioner that he had handed over the keys to the Key Guard and thereafter left the Central Prison is valid. He further came to the conclusion that the disciplinary authority should have appreciated both the prosecution as well as the defence in proper perspective and since it was absent in the case, it discloses vindictive mindset on his part. The learned single Judge concluded that though the appellate authority has modified the punishment, he did not advert to the infirmities pointed out by the petitioner and the revisional authority had also committed serious error in law by not affording the reasons for his conclusion. He also added that the review petition filed to the Government has also been disposed of in an unreasoned manner and hence, concluded that the proceedings deserves to be quashed and accordingly quashed the same, granting consequential benefits to the writ petitioner. Aggrieved by this same, the State is on appeal.

12. We heard Mr.P.Kumarasan, learned Additional Advocate General assisted by Mr.E.Veda Bagath Singh for the appellants and Ms.C.Delecta for Dr.S.Manoharan



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for the respondent.
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13. The facts have already been set forth above and hence we are not reiterating in this portion of the judgment.

14. Right from the beginning the petitioner had pleaded that he was at the gate till 10.00 p.m. and had handed over the keys to the Key Guard at around 10.00 p.m., on 19.10.2000. He had further asserted that his presence till 10.00 p.m. as well as the handing over of the keys had been duly recorded in the Para Book. Though initially the petitioner resisted the issuance of a charge memo, subsequently, he had participated in the proceedings and had demanded the production of the Para Book in order to prove his innocence. The Para Book was not produced on the specious plea that the page relating to 19.10.2000 was missing.

15. A Para Book is not a book maintained by the writ petitioner. It is the book under the supervision and control of the Superintendent of Prisons. Had it been



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produced, things would have become clear as to whether the charge against the writ petitioner stands proved or not. The statement of the petitioner that he had handed over the key to the Key Guard had it, but it had not reflected in the Para Book, certainly the petitioner would have been liable for the charges that had been levelled against him. The crucial evidence in this case is the Para Book. When that is kept away from the enquiry officer, the officer should have taken adverse note of the same. Instead, he had found the petitioner guilty on the basis of the statement of the complainant Thiru.Duraiaraj.

16. Further more, as rightly found by the learned Single Judge, this aspect of the case has not been gone into by the appellate authority or the revisional authority. The appellate authority, in one paragraph concluded that he had perused the appeal petition and relevant records and came to the conclusion that as the allegations are serious, it was just and necessary to punish the writ petitioner.

17. It has been consistently held by the Supreme Court and High Courts that,



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affording reasons to arrive at the conclusion is a fundamental principle of natural justice. It is oft repeated that, reasons are the heart beat of every order and we would add that if there are no reasons the order has to be treated as still born. Reasoned orders ensures transparency and accountability. Giving of reasons supports the rule of law as it replaces subjectivity with objectivity. Another factor which impels the Court to direct administrative, judicial as well as quasi judicial authority to give reasons is because, it enables effective appeals by clearly explaining decisions.

18. We have independently perused the order of the appellate authority, revisional authority and the reviewing authority. We have to conclude that the reasons afforded by the learned Single Judge is unimpeachable. When the substratum of the case falls, whatever had been built upon it also shall fall (*sublato fundamento cadit opus*). When the basic and essential document of the Para Book not having been produced, which would have fixed the responsibility on the petitioner, the basis of the proceedings itself vanishes. If that happens, all subsequent actions and orders passed thereon have to fall to the ground.



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19. Furthermore, we have to point out that the appeal itself has come up for admission after a lapse of nearly nine years. Much water would have passed from 09.11.2017 to 04.12.2025.

20. In the light of the above discussions, we have no reasons to entertain this writ appeal. The same is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(R.S.K.,J.) (V.L.N.,J.)
04-12-2025

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

To

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Home (Prison-2) Department,
Fort St. George, Chennai – 009.

2.The Additional Director General Of Prisons,



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