

WP(MD). No.6083 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 28.09.2026

CORAM

THE HONOURABLE MR JUSTICE B.PUGALENDHI

WP(MD) NO. 6083 of 2025

{CNR: HCMD010214162025}



Case QR

M. Aashik Mohammed

Petitioner(s)

Vs

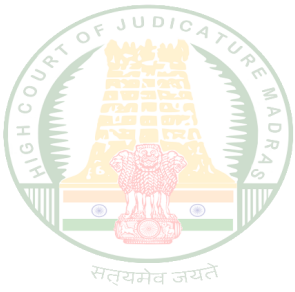
1.The Director General of Prison and
Correctional Services,
Chennai - 600 008.

2.The Deputy Inspector General of Prisons and
Correctional Services,
Madurai Range,
Madurai.

3.The Superintendent of Prisons,
Central Prison,
Madurai - 625 016.

Respondent(s)

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 pertaining to the impugned order of the 2nd respondent vide his proceedings in No.155/Vu.Tha.1/2025 dated 04.02.2025, confirming the order passed by the 3rd respondent vide his impugned proceedings in No.1588/Po.1/2024 dated 25.09.2024 and quash the same as illegal and consequently direct the respondents to reinstate the petitioner in service along with all other monetary benefits, within the period that may be stipulated by this Court.



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For Petitioner : Mr.Ajmal Khan,
Senior Counsel
for M/s.Ajmal Associates
For Respondents : Mr.S.Sivasubramanian,
Government Advocate.

ORDER

The petitioner, who was working as a Grade - II Warden in the Central Prison, Madurai, was dismissed from service by the third respondent, by his order dated 25.09.2024. The appeal filed by this petitioner was dismissed by the second respondent on 04.02.2025, by confirming the order of punishment imposed by the third respondent. As against this order of dismissal, the petitioner has filed this writ petition, that the disciplinary proceedings was not conducted in accordance with prevailing rules and in violation of principles of natural justice.

2.The brief facts leading to the filing of this petition are summarised hereunder:

(i) A surprise inspection was conducted by a Special team in the Central Prison, Madurai on 19.06.2024 and 10 grams of ganja was seized



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from prisoner No.609/ one Vilson Gabriel. The said prisoner provided a written statement, that he received this ganja from the petitioner / Grade II Warden on 10.06.2024, while he was employed on para duty at the Bakery Unit in the prison. A Preliminary enquiry was conducted, wherein the petitioner has provided a statement that he visited the house of convict prisoner No.6029/ one Selvakumar at Dindigul, along with another Grade-II Warden/ one Surya and consumed alcohol in his house, while the convict prisoner was on escort parole. He also admitted that he received a sum of Rs.5,000/- through G-Pay from one Senthilpandi, who is a friend of the convict Selvakumar.

(ii)Based on this preliminary enquiry, the petitioner was placed under suspension on 21.06.2024, for violation of Rule Nos.126, 134(2), 146, 147 and 298 of Tamil Nadu Prison Rules 1983 and Rule 20(1) of the Tamil Nadu Government Servants Conduct Rules. Pursuant to the same, charge memo was issued on 01.08.2024, under Rule 17(b) of the Tamil Nadu Civil Service (Discipline and Appeal) Rules and an enquiry officer was appointed. The enquiry officer filed a report that the charges are proved and based on the same, the third respondent has passed an order of dismissal, as against the petitioner. The petitioner has filed an appeal



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against the same, which was rejected by the second respondent, by the impugned order dated 04.02.2025.

3.The contentions of the learned Senior Counsel appearing for the petitioner are summarised as under:

(i)The allegation, as against the petitioner is that he has brought ganja into the prison and supplied the same to a prisoner, which was based on the statement provided by a prisoner/ one Vilson Gabriel. However, the said prisoner was not examined during the disciplinary proceedings, which is fatal to the entire disciplinary proceedings. Further, it is alleged that this ganja was provided to the prisoner on 10.06.2024, but no CCTV footage was marked to establish the same, during the disciplinary proceedings. Moreover, the petitioner was on leave and not present in the Central Prison, Madurai, on 10.06.2024. Therefore, it is not possible for the petitioner, to have provided the ganja to the prisoner.

(ii)The allegation that one of the prisoners, who was on escort parole had contacted the petitioner is impossible, as the prisoners on

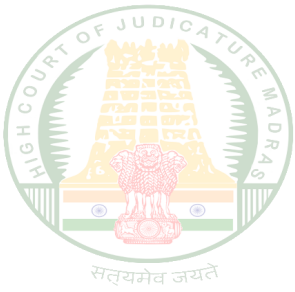


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parole are escorted by the police at all the times. Further, no escort was examined during the disciplinary proceedings.

(iii) The Enquiry Officer came to the conclusion, solely on the basis of the preliminary enquiry and the evidence recorded in the course of preliminary enquiry. The said evidence having been recorded behind the back of the petitioner is inadmissible and cannot be relied upon. Further no evidence was recorded in the course of the departmental enquiry, in support of the allegations that the petitioner has brought ganja into the prison and therefore, the conclusions of the enquiry officer is wholly improper.

(iv) As per the enquiry report, the enquiry officer himself has cross examined the witnesses and such a procedure is unknown to disciplinary proceedings. The Enquiry Officer, being a quasi-judicial authority, should be a neutral person. There was no presenting officer to support the claim of the department. Thus, the entire disciplinary proceedings stands vitiated due to violation of principles of natural justice, as the Enquiry Officer has also acted as presenting officer.



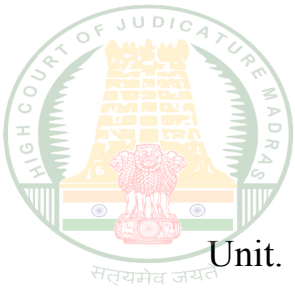
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(v) The receipt of Rs.5000/- from a friend of one of the prisoners, has no nexus with the ganja allegedly brought in by the petitioner and was sent for bakery purposes. Further, the said amount was repaid within a short span of time, even before the commencement of the disciplinary proceedings.

4. The learned senior counsel in support of his contentions has also relied on the following decisions:

- (i) *State of Uttar Pradesh v. Saroj Kumar Sinha* [(2010) 2 SCC 772]
- (ii) *State of Uttranchal and Ors v. Kharak Singh* [(2008) 8 SCC 236]
- (iii) *Union of India v. Gyan Chand Chattar* [(2009) 12 SCC 78]

4. Per contra, the learned Government Advocate appearing for the respondents submits that upon receipt of secret information, a Special Team under the leadership of the Prison Officer has conducted a surprise inspection at the Central Prison, Madurai on 19.06.2024 and this special team has recovered 10 grams of ganja, from the undergarment of the convict prisoner / one Vilson Gabriel. This prisoner has provided a statement that he got this ganja, from the petitioner nearby the Bakery

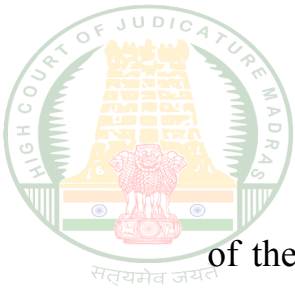


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Unit. Similarly, ganja was also recovered from another convict prisoner one Muthu (No.2256) on the same day and this convict prisoner has also provided a statement that the ganja was provided to him from Vilson Gabriel.

5.The learned Government Advocate further submits that the petitioner has provided a statement on 19.06.2024, wherein he has admitted that he along with another Grade-II Warden / one Surya went to a convict prisoner's house at Dindigul and consumed liquor in his house on 09.06.2024 and that one Senthilpandi, a friend of the said convict, has transferred a sum of Rs.5,000/- to his account through G-Pay. A statement to this effect, was also recorded by the Superintendent of Prison from Surya.

6.He further submits that the petitioner has taken a stand that he did not attend duty in the Central Prison, Madurai, on 10.06.2024, however the same is not correct. The petitioner has attended duty on 10.06.2024, he was also assigned with para duty, he had reported to duty at about 10.05am and left the prison only at about 6.49pm. The presence

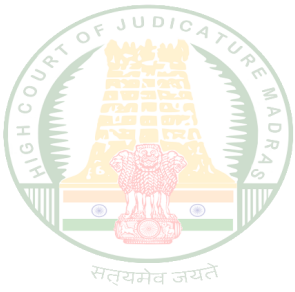


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of the petitioner is established from the entries of the bakery para book and the in and out register. He also submits that the petitioner has admitted visiting the house of a convict prisoner on escort parole and the enquiry officer had also found that there were some transactions between the petitioner and one Senthilpandi, a friend of the said convict, from the year 2022 till June 2024 as under:

1. 08.09.2022 - Rs.5,000/-
2. 13.07.2023 - Rs.5,000/-
3. 15.06.2024 - Rs.5,000/-
4. 15.06.2024 - Rs.5,000/-

7. With regards to the contention of the petitioner that the required documents were not furnished, he submits that the petitioner was allowed to peruse the documents during the enquiry and he has also acknowledged the same on 04.09.2024. Further, the petitioner has also offered his explanation on 20.08.2024 and on 20.09.2024. Only after considering the same, the enquiry officer has imposed a punishment of dismissal on the petitioner.



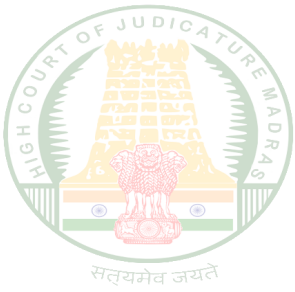
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8.The learned Government Advocate also submits that the petitioner has committed a grave misconduct, by consuming liquor with a convict on escort parole, receiving money from a friend of a convict and supplying ganja to prisoners. Such misconduct cannot be accepted, from a member of a disciplined force. Hence, the punishment of dismissal from service was imposed on the petitioner and he prays for dismissal of this petition.

9.The learned Government Advocate has also relied on the following judgments, in support of his contentions:

- (i)***Union of India v. P.Gunasekaran [(2015) 2 SCC 610]***
- (ii)***Union of India v. Subrata Nath [(2024) 20 SCC 402]***
- (iii)***G.Krishnan vs. Additional Director General of Prisons [W.P.No.40001 of 2015 dated 23.06.2022]***

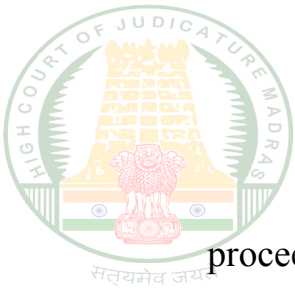
10.This court has considered the rival submissions made and also perused the materials on record.



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11.The petitioner is a Grade-II Prison Warden. The allegation as against the petitioner is that he has visited the house of a convict on escort parole, along with another Grade-II Warden/ one Surya, consumed alcohol with this convict, received payments through G-Pay from a friend of this convict on multiple occasions and supplied 10 grams of ganja to a prisoner. This ganja was recovered, during a special search carried out by the prison authorities on 19.06.2024. Therefore, he has been issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, for the violation of Rule Nos.126, 134(2), 146, 147 and 298 of Tamil Nadu Prison Rules 1983 and Rule 20(1) of the Tamil Nadu Government Servants Conduct Rules. Thereafter, enquiry was conducted as against the petitioner and he was imposed with a punishment of dismissal from service, which was also confirmed by the appellate authority. As against the orders of the punishment and the order of the appellate authority, this petition has been filed.

12.At the outset, it is relevant to note that the scope of judicial review in departmental proceedings is limited and courts should refrain from interfering in the findings of facts recorded in a departmental



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proceeding, except in circumstances such as perverse findings, violation of principles of natural justice and violation of statutory procedures.

Further, Courts cannot interfere in the proportionality of the punishment, unless the same shocks its conscience.

13. In this case, a surprise inspection was conducted at the Central Prison, Madurai on 19.06.2024 and during this inspection, 10 grams of ganja has been recovered from a prisoner / one Vilson Gabriel. This prisoner has provided a statement on 19.06.2024 that he received the ganja from this petitioner on 10.06.2024. The presence of the petitioner in the Central Jail, Madurai, on 10.06.2024, was established from the entries of the bakery para book and the in and out register. Further, in the statement recorded from this petitioner on 19.06.2024, he admitted that he visited the house of a convict on escort parole, along with another Grade-II Warden/ one Surya, on 09.06.2024 and consumed liquor in his house. The other Grade-II Warden/ Surya has also given a statement on 20.06.2024, admitting the same. Further, the petitioner also admitted the receipt of money through G-pay, from one Senthilpandi, a friend of the convict. The said Senthilpandi has been examined by the petitioner as a



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witness from his side and he has admitted sending money to the petitioner through G-pay. Further, the screenshots of the G-Pay transactions, were also marked in the enquiry proceedings. From these screenshots, it appears that the petitioner has received Rs.5,000/- on four occasions on 08.09.2022, 13.07.2023 and 15.06.2024. Therefore, the contention that the enquiry officer arrived at a conclusion, without any evidence, cannot be countenanced.

14.The other contention of the petitioner is that he was not provided with an opportunity to present his defence. It is relevant to note that the petitioner perused the documents on 04.09.2024 and he submitted explanations on 20.08.2024 and 20.09.2024. Further, he has cross examined the witness on the side of the department. Thus, the petitioner was provided with an opportunity to present his defence and this contention cannot be accepted.

15.It is also contended that there was no presenting officer during the enquiry and the enquiry officer has put forth questions to the witnesses, thereby violating the principles of natural justice. In this



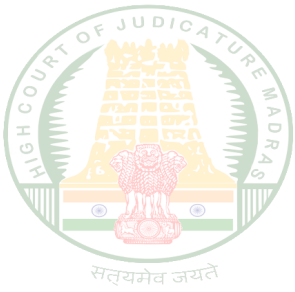
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regard, it is relevant to refer to the decision of the Hon'ble Supreme Court in ***Mulchandani Electrical and Radio Industries Ltd. v.***

Workmen [(1975) 4 SCC 731], wherein it was held that in the absence of a presenting officer, the enquiry officer can put questions to the witnesses (whether prosecution or defence witnesses) for clarification, wherever necessary and if he allows the witnesses to be cross-examined thereafter, the enquiry proceedings cannot be termed as unfair.

The relevant portion is extracted hereunder:

“5.....As stated already no one was present on behalf of the management at the enquiry....It was reasonable and also necessary to look for some explanation for the contradictory statements. If, therefore, the Enquiry Officer had put certain questions to these two witnesses by way of clarification, it could not be said that he had done something that was not fair or proper. The witnesses were allowed to be cross-examined on behalf of the union after they had answered the questions asked by the Enquiry Officer. In our opinion the note made by the Enquiry Officer stating that the witnesses had turned hostile meant only that they had stated before him something that was inconsistent with what appeared in the memorandum signed by them. We do not think that the enquiry was vitiated because the



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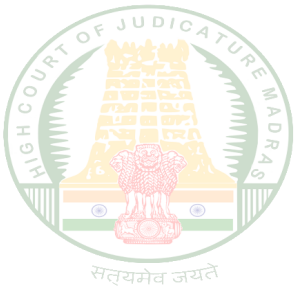
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Enquiry Officer put some questions to the said witnesses by way of clarification in the circumstances stated above. This Court in Workmen v. Buckingham and Carnatic Mills, Madras [(1970) 1 LLJ 26 : 38 FJR 353] held that the Enquiry Officer in a domestic enquiry can put questions to the witnesses for clarification wherever necessary and if he allows the witnesses to be cross-examined thereafter, the enquiry proceedings cannot be impeached as unfair. We are therefore unable to accept that the enquiry in this case had not been conducted in a fair and proper manner.”

16.Considering the above decision, merely because the enquiry officer has put forth certain questions to the witnesses, it cannot be said that the principles of natural justice were violated.

17.In this case, the petitioner himself has admitted consuming alcohol at the house of a convict prisoner and receiving money from a friend of the said prisoner. It is relevant to note that even maintaining familiarity with the prisoners or having correspondence with friends of such prisoners is prohibited under Rules 146 and 147 of the Tamil Nadu Prison Rules 1983 and the same is extracted hereunder:

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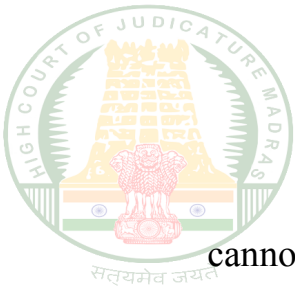
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“Rule 146: Familiarity with prisoners forbidden- No prison officer shall unnecessarily converse with a prisoner or treat him with familiarity or allow any familiarity between a prisoner and any other officer of the prison. No prison officer shall discuss matters of discipline or prison duties or arrangements with or in the hearing of prisoners.

Rule 147: Officer not to have dealings with prison or other friends- No prison officer shall lend money to, borrow money from, or incur any obligation in favour of any other prison officer or any prisoner or correspond with, or hold any intercourse with, the friends or relatives of any prisoner or have any unauthorised communication with any prisoner or with any person whatever as to matters concerning the prison.”

18. Moreover, every prison officer has a duty to prevent, the introduction and giving to prisoners, of any prohibited articles, as per Rule 134(2) of the Tamil Nadu Prison Rules 1983. However, the petitioner in this case, who has a duty to prevent the introduction of contraband, has himself supplied ganja to convict prisoners. Certainly, this is a grave misconduct and violation of discipline, expected from a prison officer. Therefore, the punishment of dismissal from service,

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cannot be said to disproportionate and warranting the interference of this Court.

19.Considering the limited scope of judicial review in departmental proceedings, available materials and the serious nature of charges as discussed supra, this court is not inclined to interfere with the order of punishment imposed on the petitioner. Accordingly this writ petition is dismissed.

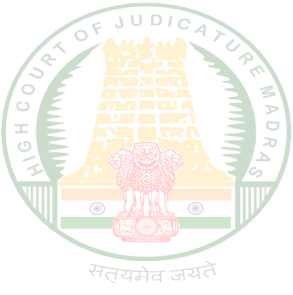
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To

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