

Order dt. 05.05.2020 in WP No.7572/2020
[R.Sreedhar V. The Principal Secretary,
Govt. of Tamil Nadu, Home Dept. & 3 Others]

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.05.2020

CORAM

THE HON'BLE DR.JUSTICE VINEET KOTHARI
AND
THE HON'BLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.7572 of 2020

R.Sreedhar

.. Petitioner-in-person

Vs.

1. The Principal Secretary,
Government of Tamil Nadu,
Home Department,
Chief Secretariat,
Rajaji Salai, Chennai.
EMAIL : homesec@tn.gov.in
2. The Inspector General of Police/
Inspector General of Prisons,
Office of the Inspector General of Police/
Inspector General of Prisons,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
EMAIL : tnprison@gmail.com
3. The Deputy Inspector General of Police (Headquarters),
Office of the Additional Director General of Police/
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.

Order dt. 05.05.2020 in WP No.7572/2020
[R.Sreedhar V. The Principal Secretary,
Govt. of Tamil Nadu, Home Dept. & 3 Others]

4. The Chief Probation Superintendent,
Office of the Chief Probation Superintendent,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
EMAIL : cps.tnprison@gmail.com

.. Respondents

* * * *

Prayer : Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to take necessary steps to make utilize the services of the convicted eligible prisoners confined in Central Prisons/District Jails across the State of Tamilnadu by employing them under Section 35 and 36 of the Prisons Act, 1894 during this COVID-19 Pandemic as a part of rehabilitation measure by bringing social responsibility to the prisoners.

* * * *

For Petitioner : Mr.R.Sreedhar,
Petitioner-in-Person
For Respondents : V.Jayaprakash Narayanan,
Government Pleader

ORDER

(Order of the Court was made by Dr.Vineet Kothari, J.)

The Court was held by Video Conference, in terms of the Resolution of the Full Court dated 30th April 2020, by Judges from their respective residence offices, where minimum staff made available and the counsel, staff of the Court appearing from their respective residences.

Order dt. 05.05.2020 in WP No.7572/2020
[R.Sreedhar V. The Principal Secretary,
Govt. of Tamil Nadu, Home Dept. & 3 Others]

2. Heard the petitioner-in-person, who is a practicing Advocate.

3. The prayer made in the writ petition is to direct the respondents/State Government to employ the services of the convicted jail inmates for providing security and other services relating to control of COVID 19 Pandemic outside the jails also so that they can undertake social work and it will be a step towards the reform of the jail inmates, which is the intention of the relevant rules and the Prisons Act, 1894.

4. The learned Government Pleader, however, expressed his doubt that the bringing out the jail inmates out of the jail premises to serve various causes of the State Government is fraught with risk of elopement, etc. and he submitted that sufficient number of volunteers are already available, to say, around 40,000 and odd, to assist the police personnel in the security and other works for maintaining law and order in the COVID-19 situation for the present. Therefore, he submitted that there is no justification for issuing any such direction by this Court to employ the services of the jail inmates in this regard.

Order dt. 05.05.2020 in WP No.7572/2020
[R.Sreedhar V. The Principal Secretary,
Govt. of Tamil Nadu, Home Dept. & 3 Others]

5. Having heard the learned counsels, we are of the opinion that no such Mandamus can be issued to the State. We agree with the submission made by the learned Government Pleader that taking the services of the convicted people, who are presently in the jails, outside the jail premises may not only be fraught with risk, but there is no such requirement as such made out either by the petitioner-in-person or by the State as of now. The employment of the jail inmates within the jail premises in different spheres for their reform has already been taking place in terms of the Prisons Act and the rules made thereunder. Therefore, bringing them outside the jails to assist the police personnel and other volunteers for security and other related purposes in COVID-19 situation is not considered very necessary at this stage. Therefore, we are not inclined to entertain this Public Interest Litigation filed by the Petitioner, a Practicing Advocate, as Party-in-Person and accordingly, this writ petition is liable to be dismissed.

6. In the result, this writ petition is dismissed.

(V.K., J.) (P.S.N., J.)
05.05.2020

gg

Order dt. 05.05.2020 in WP No.7572/2020
[R.Sreedhar V. The Principal Secretary,
Govt. of Tamil Nadu, Home Dept. & 3 Others]

To

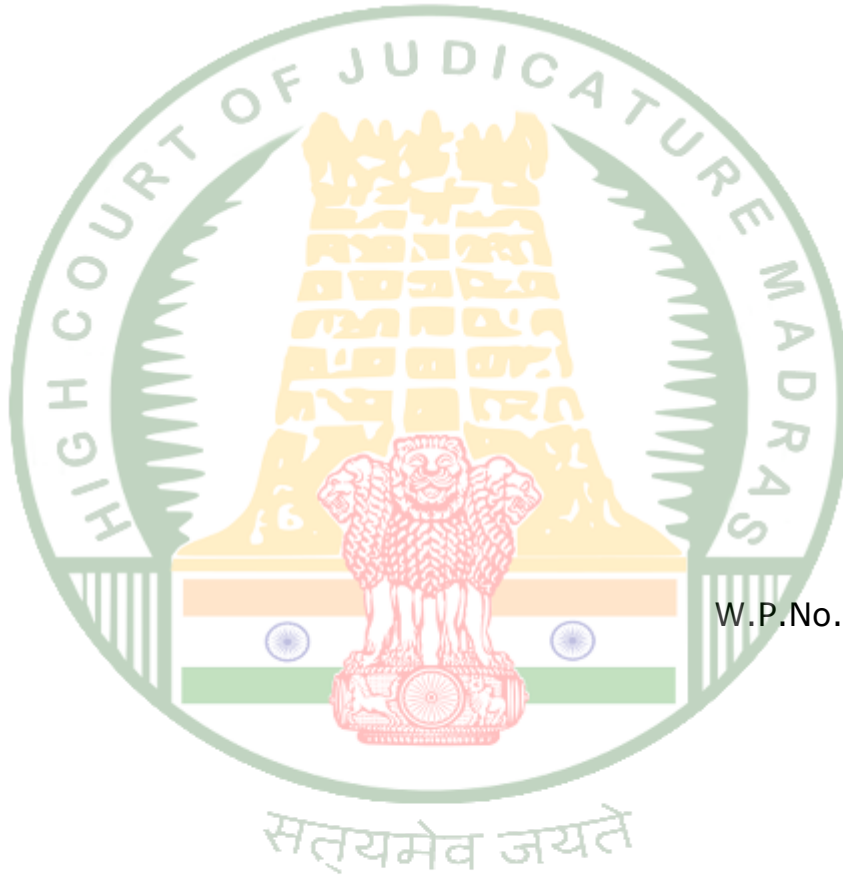
1. The Principal Secretary,
Government of Tamil Nadu,
Home Department,
Fort St. George,
Rajaji Salai, Chennai-600 009.
EMAIL : homesec@tn.gov.in
2. The Inspector General of Police/
Inspector General of Prisons,
Office of the Inspector General of Police/
Inspector General of Prisons,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
EMAIL : tnprison@gmail.com
3. The Deputy Inspector General of Police (Headquarters),
Office of the Additional Director General of Police/
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 008.
4. The Chief Probation Superintendent,
Office of the Chief Probation Superintendent,
CMDA Tower-II, No.1, Gandhi Irwin Road,
Egmore, Chennai-600 008.
EMAIL : cps.tnprison@gmail.com

WEB COPY

Order dt. 05.05.2020 in WP No.7572/2020
[R.Sreedhar V. The Principal Secretary,
Govt. of Tamil Nadu, Home Dept. & 3 Others]

Dr.VINEET KOTHARI, J.
and
PUSHPA SATHYANARAYANA, J.

99



W.P.No.7572 of 2020

WEB COPY

05.05.2020