

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 04.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.23770/2015 & MP.No.1/2015

P.Renuka Devi

... Petitioner

Versus

1.The Director General of Police
Mylapore, Chennai 600 004.

2.The Additional Director General of Police
O/o.The Director General of Police
Mylapore, Chennai 600 004.

3.The Superintendent of Police
Coimbatore District, Coimbatore.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus, to direct the respondents to pass appropriate orders for promotion to the post of Inspector of Police on inclusion of the name of the petitioner in the "C" List for the year 2015 without reference to the pendency of the criminal case in CC.Nos.114 and 115/2012 on the file of Chief Judicial Magistrate, Coimbatore, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.V.Subbiah, Spl. GP

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O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner was enlisted as Sub Inspector of Police through the selection done by the Uniformed Service Recruitment Board [USRB] in the year 2004 and her services have been regularised from the date of her initial appointment and the probation was also successfully declared. The petitioner would claim that from the date of her initial appointment, she is

rendering her sincere and meticulous service to the satisfaction of the higher authorities.

3.It is stated by the petitioner that while she was working as Sub Inspector attached to Thudiyalur Police Station, Coimbatore District on 07.10.2011, there was an altercation between the police and an Advocate by name Tr.Anandeeswaran and the said Advocate has picked up a fight with the policemen with regard to the registration of the criminal complaint under the provisions of the Indian Penal Code. However, the said issue was blown out disproportionately by the said advocate by calling for boycott and agitation and in order to pacify the advocates, a case in Cr.No.1565/2011 as against the petitioner was registered by the Thudiyalur Police Station for the alleged commission of the offences u/s.147, 148, 294[b], 341 and 307 IPC. Similarly, as against the advocate also, a case has been registered and both the cases have been transferred on the file of CBCID and the said investigating agency, after completion of the investigation, has filed Charge sheet in CC.Nos.114 and 115 of 2012 on the file of the Court of the Chief Judicial Magistrate, Coimbatore and challenging the same, the petitioner has filed Crl.OP.Nos.14680/2012 and 14695/2012 and this Court, vide interim order dated 18.09.2012 has granted interim stay of the said proceedings and therefore, it has not reached the finality.

4.The petitioner has submitted a representation dated 19.06.2015 and would submit that though she has completed 10 years of service as Sub Inspector of Police, on account of the fact that the criminal cases are pending against her, her name has not been included in the "C" List and since the said representation has not been disposed of, she came forward to file this writ petition.

5.Mr.G.Sankaran, learned counsel for the petitioner would contend that in order to pacify the advocate only, the above said false case came to be registered against the petitioner and the further proceedings in the criminal cases have also been stayed by this Court in Crl.OP.Nos.14680 and 14965/2012 and therefore, there is no impediment on the part of the respondents to include the petitioner's name in the "C" List for promotion to the post of the Inspector of Police and hence, prays for appropriate orders.

6.This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

7.Though the petitioner has prayed for larger relief, this Court, without going into the merits of the claim projected by the petitioner, directs the 2nd respondent to consider and dispose of the petitioner's representation dated 19.06.2015 on merits and in accordance with law and pass orders within a period of four weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

8.The writ petition is disposed of accordingly. No costs.
Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

AP

To

- 1.The Director General of Police
Mylapore, Chennai 600 004.
 - 2.The Additional Director General of Police
O/o.The Director General of Police
Mylapore, Chennai 600 004.
 - 3.The Superintendent of Police
Coimbatore District, Coimbatore.
- +1 cc to Mr.G.Sankaran, Advocate, sr.40726
+1 cc to The Government Pleader, sr.40402

vd(co)
kra (25/08)

W.P.No.23770/2015

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