

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.07.2016

CORAM

THE HON'BLE MR. JUSTICE B.RAJENDRAN

WP.No.25431 of 2016
and W.M.P.No.21757 of 2016

O.Sathyamurthy

.. Petitioner

Vs.

1. The Superintendent of Police
Kancheepuram District
Kancheepuram.

2. The Superintendent of Police
Tiruvallur District
Tiruvallur.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus, to direct the respondents to promote the petitioner to the post of Special Sub-Inspector of Police with effect from 22.07.2010 together with all service benefits and monetary benefits by taking note of the criminal case ended in favour of the petitioner in C.C.No.12 of 2010 on the file of the Chief Judicial Magistrate, Tiruvallur, Tiruvallur District and pass further orders as this Court may deem fit and proper in the circumstances of the case.

For Petitioner : Mr.C.Prakasam

For Respondents: Mr.S.Gunasekaran
Additional Government Pleader

सतगमेव जयते
O R D E R

By consent, the Writ Petition is taken up and disposed of at the admission stage itself.

2. This Writ Petition has been filed to issue a Writ of Mandamus, to direct the respondents to promote the petitioner to the post of Special Sub-Inspector of Police with effect from 22.07.2010 together with all service benefits and monetary benefits by taking note of the criminal case ended in favour of the petitioner in C.C.No.12 of 2010 on the file of the Chief Judicial Magistrate, Tiruvallur, Tiruvallur District.

3. The petitioner entered into service as a Grade-II Police Constable in Chengalpattu District, on 25.10.1984. The grievance of the petitioner is that he was not given upgradation, on the date when his juniors were promoted, on the ground that he was under suspension in connection with a criminal case registered on 13.01.2009. Subsequently, the suspension order was revoked, on 05.01.2013. The petitioner made a representation to the 1st respondent, on 20.05.2013, for upgradation as Special Sub-Inspector of Police, but, no order was passed. Hence, the petitioner has filed a Writ Petition in W.P.No.5305 of 2014. The said Writ Petition was disposed of by this Court by directing the 1st respondent therein to consider the petitioner's representation, dated 20.05.2013, after disposal of the criminal case in C.C.No.12 of 2010. Subsequently, the petitioner was acquitted in the criminal case. After that, the petitioner has made several representations and last of such representation was made on 07.09.2015 seeking to consider him for promotion to the post of Special Sub-Inspector of Police. But, till date, there is no response. Hence, the present Writ Petition has been filed seeking the relief stated supra.

4. Mr.C.Prakasam, the learned counsel for the petitioner would submit that in the earlier round of litigation, this Court, by order, dated 23.01.2015, had directed the 1st respondent to consider the petitioner's representation after disposal of the criminal case in C.C.No.12 of 2010. But, after the petitioner was acquitted in the criminal case also, his representation was not considered. He would further add that as against the judgment of acquittal passed in the criminal case by the Trial Court, no appeal was filed and therefore, the petitioner would be satisfied, if his representation is directed to be considered and appropriate orders are passed.

5. Mr.S.Gunasekaran, the learned Additional Government Pleader, who took notice on behalf of the respondents, has got no serious objection in directing the 1st respondent to consider the representation of the petitioner, dated 07.09.2015 and to pass appropriate orders, on merits and in accordance with law.

6. Considering the above submissions, this Court, without going into the merits of the claim made by the petitioner, directs the 1st respondent to consider the representation of the petitioner, dated 07.09.2015, and pass appropriate orders, on merits and also taking into consideration of the judgment of acquittal passed by the Trial Court in C.C.No.12 of 2010, dated 12.05.2015, as expeditiously as possible, preferably within a period of one month from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioner.

7. The Writ Petition is disposed of accordingly. Consequently, connected Miscellaneous Petition is closed. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

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To

1. The Superintendent of Police
Kancheepuram District
Kancheepuram.
2. The Superintendent of Police
Tiruvallur District
Tiruvallur.

+1cc to Mr.C. Prakasam, Advocate, S.R.No.41896
+1cc to the Government Pleader, S.R.No.41710

MPI (CO)
EU(27/07/2016)

W.P.No.25431 of 2016

सत्यमेव जयते

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