

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.08.2016

CORAM:

THE HONOURABLE MR.JUSTICE B.RAJENDRAN

Writ Petition No.28031 of 2016
and
WMP.No.24175 of 2016

P.Alagudurai

... Petitioner

Versus

1. The Secretary to Government
Public (L& O) Department
Fort St George, Chennai 600 009

2. The Secretary to Government
Home (Police II) Department
Fort St George, Chennai 600 009

3.The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai 600 004

4. The Deputy Inspector General of Police
Railways, Chennai

... Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the respondents 2 and 3 to consider the claim of the petitioner for promotion by transfer of service as Deputy Superintendent of Police, Category-I without reference to the pending finalization of disciplinary proceedings initiated by the 4th respondent against the petitioner in PR No.24/2009 dated 09.11.2009 and promote him as Deputy Superintendent of Police, Category-I and grant him all consequential service and monetary benefits.

For petitioner : Mr.M.Muthappan
For Respondents : Mrs.M.E.Raniselvam
Additional Government Pleader

O R D E R

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

2. According to the petitioner, he was given charge Memo on 09.11.2009 and an enquiry was conducted. The charge was of the year 2009 and enquiry was conducted in the year 2011. During the course of enquiry, 46 witnesses have been examined on the side of the petitioner and on the side of the prosecution, one defence witness has been examined. The enquiry was concluded as early as on 08.06.2011. Thereafter, the petitioner has given written statement on 08.07.2016. According to him, the enquiry officer has given the enquiry report, but till date no final order has been passed. In view of the same, the petitioner has been deprived of promotion for the past five years. Therefore, his valuable right has been lost and hence he filed this Writ Petition seeking for a Writ of Mandamus to direct the respondent to promote the petitioner notwithstanding the pendency of the enquiry proceedings against him.

3. The learned Additional Government Pleader appearing for the respondents would contend that necessary orders would be passed in accordance with law, based on the the enquiry officer's report as expeditiously.

4. Having regard to the above facts of the case and also the submission of the counsel for both sides, without expressing any opinion on merits, the fourth respondent is directed to pass final orders in the disciplinary proceedings initiated against the petitioner by passing final orders thereof, within a period of two months from the date of receipt of a copy of this order.

5. This Writ Petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Asst. Registrar.

/true copy/

Sub Asst. Registrar.

arr

To

1. The Secretary to Government
Public (L& O) Department
Fort St George, Chennai 600 009

2. The Secretary to Government
Home (Police II) Department
Fort St George, Chennai 600 009

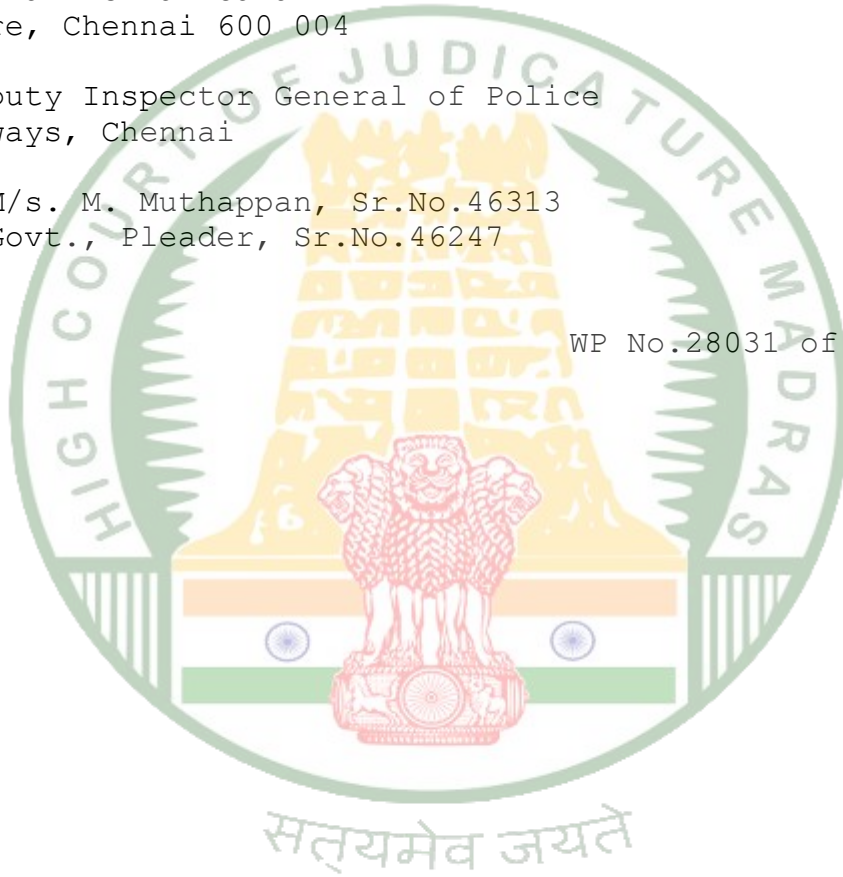
3. The Director General of Police
Dr. Radhakrishnan Salai
Mylapore, Chennai 600 004

4. The Deputy Inspector General of Police
Railways, Chennai

+1 CC to M/s. M. Muthappan, Sr.No.46313

+1 CC to Govt., Pleader, Sr.No.46247

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