

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.11.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.38608 of 2016

- 1 R.Thandapani
Grade I PC 36645 M5 Ennore Police Station
Chennai 57 ... Petitioner
- Vs
- 1 The Commissioner of Police
Ponnamalle High Road Veppery
Chennai 7. ... Respondent

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondent to pass final orders on the representation made by the petitioner on 18.7.2016 within a reasonable time.

For Petitioner : Mr.T.Ayngaraprabhu
For Respondents : Mr.K.Dhananjayan,
Spl. Govt. Pleader.

ORDER

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

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondent to pass final orders on his representation dated 18.7.2016 within a reasonable time.

3. It is the case of the petitioner that he entered into service as Police Constable on 1.5.1988. While he was serving as Grade-II PC in the Airport Security, departmental proceeding was initiated against him in P.R.No.404/1996 under Section 3(b) of TNPSS (D & A) Rules, for suppression of earlier employment. After enquiry, he was imposed with a punishment of dismissal from service and his appeal and review were also dismissed. Challenging the order of dismissal, he approached

this Court by filing writ petition in W.P.No.32820 of 2005 and this Court, by order dated 18.9.2009, set aside the order of dismissal from service and directed the disciplinary authority to consider the proportionality of the punishment, pursuant to which, the disciplinary authority, by proceedings dated 1.2.2010, modified the punishment into one of reduction in time scale of pay by two stages for two years with cumulative effect. Thereafter, the petitioner was taken back for duty and the punishment period was also completed. On completion of his punishment, the petitioner is eligible for promotion as Grade-I PC and Head Constable. Hence, he made a representation dated 18.2.2012 to the respondent requesting him to notionally promote him as Grade-I PC from the year 2000 and Head Constable from the year 2005. The Joint Commissioner of Police, in his proceedings dated 25.9.2012, regulated his pay and upgraded the petitioner as Grade-I PC with effect from 1.5.1988 on par with his junior. After upgradation, the petitioner is entitled to be upgraded as Head Constable on completion of five years from 1.5.2003 and also Special Sub Inspector of Police from 1.5.2013. In this regard, he sent a representation dated 18.7.2016 to the respondent. But, the same was not considered so far. Hence, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondent.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the respondent to consider the representation of the petitioner dated 18.7.2016 seeking upgradation as Head Constable on completion of five years from 1.5.2003 and also Special Sub Inspector of Police from 1.5.2013 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

The Commissioner of Police,
Ponnamalle High Road,
Veppery Chennai 7.

+lcc to Mr.M.Muthappan, Advocate Sr.63553
+lcc to the Government Pleader Sr.63943

W.P.No.38608 of 2016

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