



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Special Original Jurisdiction)

Thursday, the Ninth day of June Two Thousand Sixteen

PRESENT

The Hon`ble Mr.Justice T.RAJA

WMP(MD) No.7992 of 2016

IN

REV.APLW(MD) No.SR28447 of 2016

1 STATE OF TAMIL NADU
REP. BY ITS PRINCIPAL SECRETARY,
HOME (POL.II) FORT.ST.GEORGE,
CHENNAI 600 009

2 THE DIRECTOR GENERAL OF POLICE
TAMIL NADU, CHENNAI-600004

... PETITIONERS/RESPONDENT

Vs

N.SWAMIDURAI VELU

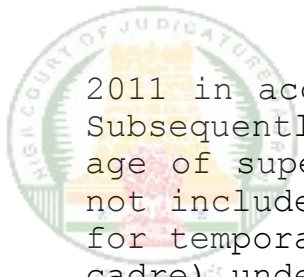
... RESPONDENT/PETITIONER

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone 1593 days of delay in filing the Review Application to review the order passed in W.P.(MD)No.10834 of 2011 and MP(MD) No.01/2011 on the file of this Honble Court.

ORDER : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MRS.S.BHARATHI GOVT PLEADER, for the petitioners and the court made the following order:-

This petition has been filed to condone the delay of 1593 days in filing the Review application to review the order, dated 19.10.2011 passed by this Court in W.P.(MD)No.10834 of 2011 and M.P. (MD)No.1 of 2011.

2.Learned Government Advocate appearing for the petitioners would submit that the petitioner suffered the punishment of censure, imposed on him subsequent to the departmental proceedings initiated under Rule 17(a) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules 1955. The said punishment was challenged and this Court, by order dated 19.10.2011, referring to the judgment of a Full Bench of this Court in **Deputy Inspector General of Police, Thanjavur Range, Thanjavur and another Vs. V.Rani reported in 2011 (3) CTC 129**, held that a punishment of censure with one year check period, cannot have any legal embargo for further promotion and ultimately directed the respondents to include the name of the petitioner in the panel of Additional Superintendent of Police fit for promotion to the post of Superintendent of Police for the year



2011 in accordance with seniority without reference to the censure. Subsequently, the petitioner retired from service on attaining the age of superannuation on 30.06.2012. Because of that, his name was not included in the panel of Additional Superintendent of Police fit for temporary promotion to the post of Superintendent of Police (non cadre) under Rule 39 (a) (i) of General Rules of Tamil Nadu State and Subordinate Services, issued in G.O.Ms.No.518, Home (Pol.1A), Department, dated 10.07.2012. Therefore, the Department took a decision to file a petition, seeking to review the order passed in the Writ petition. However, due to administrative reasons, the Review application could not be filed in time and, as a result, a delay of 1593 days has occurred.

3. But, this Court is not able to find any sufficient cause to condone the delay. The Writ petition was ordered by this Court, in the light of the Full Bench judgment reported in **2011 (3) CTC 129** (cited supra). Even though the G.O. is of the year 2012, it seems that the petitioners were not actually serious enough to prefer the review. Be that as it may, when no timely steps have been taken to file the Review application, finding no sufficient reason to condone the huge delay, this application stands dismissed.

sd/-

09/06/2016

/ TRUE COPY /

Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

- 1 THE PRINCIPAL SECRETARY
STATE OF TAMIL NADU, HOME (POL.II),
FORT ST.GEORGE, CHENNAI-600009
- 2 THE DIRECTOR GENERAL OF POLICE
TAMIL NADU, CHENNAI-600004

ORDER
IN
WMP(MD) No.7992 of 2016
IN
REV.APLW(MD) No.SR28447 of 2016
Date :09/06/2016

AA/PEK/SAR-II/23.06.2016/2p-3c