

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 29.07.2016

CORAM:

THE HONOURABLE MR.JUSTICE T.RAJA**W.P(MD)No.13327 of 2016**

A.Selvarajan

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home Department,
Secretariat, Chennai - 9.

2.The Director General of Police,
Chennai - 600 006.

3.The Commissioner of Police,
Tirunelveli City,
Tirunelveli District.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 08.09.2014 and 28.06.2016 within a time frame.

For Petitioner : Mr.K.P.S.Palanivel Rajan

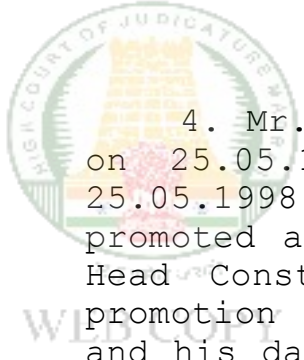
For Respondents : Mr.TR.Janarthanan,
Additional Government Pleader

ORDER

This writ petition has been filed seeking a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 08.09.2014 and 28.06.2016 within a time frame.

2. Mr.TR.Janarthanan, learned Additional Government Pleader takes notice for the respondents.

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



4. Mr.A.Selvarajan, who joined as a Grade II Police Constable on 25.05.1988, was promoted as Grade I Police Constable on 25.05.1998. Again, after five years, he ought to have been promoted as Head Constable on 01.06.2003, but he was promoted as Head Constable only on 21.09.2009. However, on revision, re-promotion was ordered on 04.06.2014 in favour of the petitioner and his date of promotion to the post of Head Constable was fixed as 12.09.2007, instead of 21.09.2009. It is also stated that he suffered punishments in PR.No.76 of 2003 on 12.11.2003 and in PR.No.30 of 2005 on 30.05.2005. However, the order of suspension imposed in PR.No.76 of 2003 has been revoked and a punishment of reduction of time scale of pay in two stages for two years with cumulative effect has been imposed. Similarly, in PR.No.30 of 2005, the punishment of reduction of time scale of pay for two years without cumulative effect was imposed and the same has been cancelled on 19.02.2014.

5. Now, the main grievance of the petitioner is that pursuant to the cancellation of the punishment imposed in PR.No.30 of 2005, the petitioner should have been considered for further promotion with effect from 01.06.2003 as there is no departmental proceedings or currency of punishment as on 01.06.2003, pending against him. Though many of his batch-mates were promoted, the same has not been inured in his favour. In such circumstances, he has been advised to come to this Court for a direction to consider his representations dated 08.09.2014 and 28.06.2016. Finding no response, the petitioner is before this Court.

6. Considering the limited nature of the prayer sought for by the petitioner, this Court, without going into the merits of the petitioner's claim, directs respondents to consider the representations of the petitioner, dated 08.09.2014 and 28.06.2016, on its own merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case and the authority concerned is free to deal with the matter on its own merits, as per law.

7. With the above direction, this writ petition stands disposed of. No costs.

Sd/-

Assistant Registrar (W)

/True Copy/

Sub Assistant Registrar



rsb
To

1.The Principal Secretary to Government,
Home Department, Secretariat,
Chennai - 9.

2.The Director General of Police, Chennai - 600 006.

3.The Commissioner of Police,
Tirunelveli City, Tirunelveli District.

+1CC to Mr.K.P.S.Palanivel Rajan, Advocate Sr.No.41154

+1CC to Spl.Government Pleader Sr.No.40895

GJM/KBM/12.8.16-3p-6c

W.P (MD) No.13327 of 2016
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