



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 03.10.2016

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THE HON'BLE Dr.JUSTICE S.VIMALA

W.P(MD) No.18674 of 2016

R.Jeyanthi

... Petitioner

-vs-

1.The State of Tamil Nadu
rep.by the Principal Secretary to Government,
Home Department,
Secretariat, Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu,
Chennai - 600 004.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the 1st respondent to pass orders on the appeal dated 1.7.2015 against the order in RC No.066883/GB IX (1)/ 2013 dated 29.08.2013 of the 2nd respondent regarding upgrading of ratings in the ACR of the Petitioner for the period from 21.07.2010 to 31.03.2011 by replacing the Grading Good as Outstanding.

For Petitioner : Mr.M.Ravi for Mr.T.Mohan

For Respondents : Mr.T.S.Mohammed Mohideen
Additional Government Pleader

O R D E R

This Writ Petition has been filed for the issuance of a writ of Mandamus, directing the first respondent to pass orders on the appeal filed by the petitioner dated 01.07.2015.

2.Heard the learned counsel appearing for the petitioner; the learned Additional Government Pleader, who takes notice for the respondents. By consent the writ petition itself is taken up for final disposal at the admission stage.

3.The petitioner was appointed as a Deputy Superintendent of Police on and from 01.06.1998, having been selected under Group I Services Competitive Examination, conducted by TNPSC. The petitioner



was promoted as Superintendent of Police in the month of October, 2007.

4. It is the claim of the petitioner that ever since entered into the service, she has exhibited dedication and devotion to duty and that has invited appreciation from all the superiors.

4.1. In the Annual Confidential Report of the petitioner, for the period from 21.07.2010 to 31.03.2011, "Overall Rating" is remarked as "good" by her superior. But the claim of the petitioner is that she has done excellent work during that period. The petitioner had been serving as Superintendent of Police, Enforcement, Salem, during that period of the remark. Since the overall rating as assessed by the superiors, including the second respondent herein, had an adverse impact upon promotional prospect to the cadre of IPS, she preferred an appeal dated 16.04.2013 before the DGP, explaining her performance in Salem in eradicating illicit liquor in Salem, Erode and Dharmapuri District and also requesting to upgrade her rating as "Outstanding". The DGP by the order dated 29.08.2013 has rejected the appeal on untenable grounds.

5. G.O. Ms.121, Public and Administrative Reforms (S) Department dated 29.09.2011 Clause (4), provides for a redressal mechanism, by which, affected officer has right to make a representation before the concerned authorities. Clause (4) of the said Government Order reads as follows:

"The Government also direct that if the officer on whom the Confidential Report is written is not satisfied with the grading awarded to him or for any adverse remarks made against him by the reporting officer, may within a period of three months represent to the appropriate authority against the grading awarded / adverse remarks made and the decision taken thereon shall be communicated to the officer on whom it was written."

6. As the DGP has rejected the appeal filed by the petitioner, another appeal has been preferred to the first respondent on 01.07.2015. As no order has been passed, the present Writ Petition has been filed, seeking a direction to the first respondent to pass orders on the appeal dated 01.07.2015.

7. When it is alleged that the grading awarded to the petitioner in the confidential report would affect her promotion, it is expected of the first respondent to have disposed of the appeal presented by the petitioner.

8. Under such circumstances, the first respondent is directed to dispose of the appeal preferred by the petitioner dated 01.07.2015 within a period of six weeks from the date of receipt of a copy of this order.



9.The Writ Petition is disposed of with the above direction.
No costs.

Sd/
Assistant Registrar(T&P)

/True Copy/

Sub Assistant Registrar.

To

1.The Principal Secretary to Government,
State of Tamil Nadu
Home Department,
Secretariat, Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu,
Chennai - 600 004.

+1CC to M/S.Mr.M.Ravi, Advocate, SR.No. 57845

+1CC to the Special Government Pleader, SR.No. 58297

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