



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.10.2016

CORAM :

WEB COPY

THE HONOURABLE DR.JUSTICE S.VIMALA

W.P (MD) No.19116 of 2016

G.Kavitha

... Petitioner

vs.

1) The Deputy Inspector General of Police,
Madurai Circle, Madurai.

2) The Additional Deputy
Superintendent of Police,
Prohibition and Enforcement Wing,
Madurai District.

... Respondents

Petition filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the respondents to complete the enquiry pursuant to the charge memo in the proceedings of the 1st respondent P.R.No.54/2015 Madurai District A2/7439/364/2015 dated 02.10.2015 and pass appropriate orders on merits within a time frame fixed by this Hon'ble Court so as to enable the petitioner to get promotion to the post of Inspector of Police.

For Petitioner : Mr.B.Saravanan
For Respondents : Mr.S.Chandrasekaran
Additional Government Pleader

ORDER

This Writ of Mandamus has been filed, seeking direction to the respondents to complete the enquiry pursuant to the charge memo dated 02.10.2015 and to pass appropriate orders on merits within a time frame.

2.Now the learned counsel for the petitioner would submit that already enquiry has been completed by the enquiry officer and a report has been submitted to the 1st respondent/disciplinary authority and it is for the disciplinary authority to consider the same and to pass orders within a time frame. It is also stated that order of promotion to the petitioner has been passed by the proceedings of the Director General of Police dated 21.09.2016, but the same has not been given effect to only because of the pendency of the disciplinary proceedings against her.



3.The learned Government Advocate appearing for the respondents would submit that under Rule 4.A of the Tamil Nadu Police Discipline & Appeal Rules, the disciplinary authority is expected to give preference only to the persons who are holding the higher posts and accordingly take up the cases.

4.According to the list furnished by the learned Government Advocate, there are four cases of the delinquent Inspector of Police who are higher in rank than that of the petitioner herein.

5.Under such circumstances, the 1st respondent is directed to pass orders on the enquiry report submitted, within a period of one month from the date of receipt of a copy of this and if it is not possible because of the pendency of four cases of the delinquent Inspector of Police who are higher in rank than that of the petitioner, the 1st respondent is directed to consider the case of the petitioner out of turn having regard to the exceptional circumstances of this case i.e., promotion of the petitioner has not been effected due to the pendency of the disciplinary proceedings against her.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

1)The Deputy Inspector General of Police,
Madurai Circle, Madurai.

2)The Additional Deputy
Superintendent of Police,
Prohibition and Enforcement Wing,
Madurai District.

+ 1 CC TO Mr.B.SARAVANAN, ADVOCATE IN SR No. 59579
+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 59526

NBI
TE/DB : 21/10/2016 : 2P/5C

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