



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 06.10.2016

CORAM:

THE HON'BLE MR.JUSTICE S.NAGAMUTHU

W.P(MD)No.19323 of 2016

S.Manoharan

... Petitioner

Vs.

1.The State of Tamil Nadu,
rep. by the Home Secretary,
Home Department,
St. George Fort, Secretariat,
Chennai -9.

2.The Director General of Police (L & O),
O/o.the Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai -4.

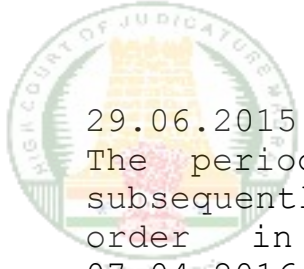
... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the first respondent to restore petitioner's seniority and promote him as Deputy Superintendent of Police (Category-2) with effect from 14.12.2009 with all consequential benefits by considering the representation dated 29.04.2016 within a stipulated time.

For Petitioner : Mr.T.Lajapathi Roy
For respondents : Mr.T.S.Mohammed Mohideen,
Additional Government Pleader

O R D E R

The petitioner had been working as Sub Inspector of Police from 28.09.1987 onwards. Later on, he was promoted as Inspector of Police, Armed Reserve, Madurai City from 29.06.2015. While he was in service, on 01.08.2007, in connection with a case in Crime No.6 of 2007 under Section 7 of the Prevention of Corruption Act, 1988, he was arrested by the Police and later on, prosecuted before the learned Chief Judicial Magistrate, Madurai, in Special Case No.8 of 2008. Seeking to quash the said case, the petitioner filed Crl.O.P.(MD)No.9667 of 2007 before this Court. By order dated 19.06.2014, a learned Single Judge of this Court allowed the said petition and quashed the Special Case No.8 of 2008. Based on the said order, the suspension of the petitioner was revoked on



29.06.2015 by the Commissioner of Police, Madurai City, Madurai. The period during which he was placed under suspension was subsequently regularised by the Commissioner of Police, by an order in C.No.D2(2)/37597/2007 on CPO No.619/2016, dated 07.04.2016.

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2.Now, the grievance of the petitioner is that his seniority has not been restored and he has not been given promotion as Deputy Superintendent of Police (Category II), with effect from 14.12.2009 on which date his immediate junior was promoted. In this regard, he made a representation dated 29.04.2016 which remains to be considered by the respondents.

3.The learned Additional Government Pleader, who took notice for the respondents, submitted that the Commissioner of Police, Madurai City, by his proceedings in C.No.A2/20871/2015, dated 22.07.2016, has submitted a proposal to the Director General of Police, Chennai, recommending for inclusion of the name of the petitioner in "C" list of Inspector of Police (AR) fit for appointment by recruitment by transfer as Deputy Superintendent of Police (Category-II) for the year 2008-09.

4. In my considered view, in view of the said proposal submitted by the Commissioner of Police, it is for the respondents to consider the said proposal and pass final orders. Accordingly, this Writ Petition is disposed of with a direction to the respondents to consider the said proposal submitted by the Commissioner of Police, Madurai City, dated 22.07.2016 and pass final orders in this matter within a period of eight weeks from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar(AS)

/True copy/

Sub Assistant Registrar

To

1.The Home Secretary,

Home Department, St. George Fort, Secretariat, Chennai -9.

2.The Director General of Police (L & O),

O/o.the Director General of Police,

Dr.Radhakrishnan Road, Mylapore, Chennai -4.

+1 cc to M/s.T.Lajapathi Roy, Advocate in SR.No.60100

+1 cc to The Special Government Pleader in SR.No. 60562

ORDER MADE IN
W.P (MD) No.19323 2016
06.10.2016