

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 30-01-2017

CORAM:

THE HON'BLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.2070 of 2017

S. Arunachalam

Petitioner

Vs

1. The State of Tamil Nadu
Rep. by the Principal Secretary to Government
(Home) (Police) Department
Secretariat
Chennai - 600 009
2. The Director General of Police
Chennai - 600 009
3. The Commissioner of Police
City Police Office
Trichy City, Trichy

Respondents

Petition filed under Article 226 of the Constitution of India praying for a writ of mandamus directing the 2nd respondent to promote the petitioner notionally by including his name in the panel of Inspector of Police in the panel year 1996-97 till his superannuation dated 28-02-2003 as ordered by this Court in W.P.No.23348 of 2010 and letter in C.N.A1/11802/2013 dated 07-07-2015 by the third respondent and consequently, direct the 2nd respondent to grant all consequential service and monetary benefits to the petitioner and pass orders.

For petitioner : Mr. S. Saravanan

For respondents : Mr. P. Sanjai Gandhi,
Addl.G.P.

ORDER

Mr. P. Sanjai Gandhi, learned Additional Government Pleader accepts notice on behalf of respondents.

2. By consent, the writ petition is taken up for final disposal.

3. The entire facts has been narrated in the earlier order of this Court in W.P.No.23348 of 2010 dated 28-02-2003 and therefore, it is not necessary to reinstate the same facts.

4. The petitioner would state that in compliance of the above cited order, the first respondent has passed an order in G.O.(3D)No.9 Home (Pol.IV) Department, dated 23-01-2004, setting aside the punishment imposed against him with liberty to proceed against him departmentally under Pension Rules and allowed him to go on Voluntary Retirement on 30-06-2000. The first respondent passed G.O.(2D) No.264, dated 24-07-2014 directing the second respondent to pay all consequential retirement benefits to the petitioner after ensuring that no other disciplinary case/Directorate of Vigilance and Anti-corruption enquiry/Criminal case is pending/contemplated against him. Thereafter, the petitioner has submitted a representation, dated 18-07-2016 to the second respondent praying for his promotion notionally as Inspector of Police till the date of his voluntary retirement and to confer him with all monetary benefits.

5. The learned counsel appearing for the second respondent would submit that the third respondent also has sent a proposal, dated 13-11-2015 in C.No.A1/11802/2013 to the second respondent praying for consideration of the petitioner's representation. Though it was received by the second respondent, orders are yet to be passed. Therefore, the petitioner is constrained to move this Court.

6. This Court, heard the submissions of the learned counsel for the petitioner and the learned Special Government Pleader.

7. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances of the case and without going into the merits of the claim made by the petitioner, directs the second respondent to act on the proposal /communication of the third respondent dated 13-11-2015 and 15-04-2016 and consider the representation of the petitioner, on merits and in accordance with law, and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the same to the petitioner.

8. The writ petition is disposed of accordingly. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

To

1 The Principal Secretary to Government
State of Tamil Nadu
(Home) (Police) Department
Secretariat
Chennai - 600 009

2. The Director General of Police
Chennai - 600 009

3. The Commissioner of Police
City Police Office
Trichy City, Trichy

+1 cc to Government Pleader sr5959

+1 cc to M/s.S.Saravanan Advocate sr 5451 dt 24/02/2017

W.P.No.2070 of 2017

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