

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 21.8.2017

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH

AND

THE HONOURABLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.No.966 of 2017

and
C.M.P.No.13298 of 2017

1. The State of Tamil Nadu,
rep. by Secretary to Government,
Home (Police IV) Department,
Fort St. George, Chennai 600 009.
2. The Director General of Police,
Mylapore, Chennai 600 004.
3. The Additional Director General of Police
(Law & Order), Chennai 600 004.
4. The Commissioner of Police,
Coimbatore City.
5. The Deputy Inspector General of Police,
Coimbatore Range, Coimbatore.

Appellants

Versus

P.Ashok Natarajan

Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 12.3.2013 passed in W.P.No.16997 of 2009 on the file of this court.

Prayer in WP.16997/2009 Writ Petition filed praying for issuance of a writ in the nature of Certiorari, to quash the calling for the records relating to the order dt. 12.6.08 in G.O.(2D) No.345 Home (Police IV) Department of the 1st Respondent confirming the order dt. 19.6.2007 in D.Dis No.AP.I (1)/ 20/05857/2007 of the 2nd Respondent herein and quash the same and consequently direct the Respondents to promote the Petitioner as Deputy Superintending of Police with effect from 7.7.09 with appropriate seniority with all attendant benefits.

For appellants : Mr.R.Prathapkumar, AGP

For respondent : Mr.R.Subramanian for

Mr.B.Ravi

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned Additional Government Pleader for the appellants and Mr.R.Subramanian, learned counsel, who takes notice on behalf of the respondent.

2. The writ appeal is filed challenging the order of the learned Single Judge directing the appellants to consider the case of the writ petitioner for promotion from the date of promotion of his immediate junior, with all consequential benefits.

3. It appears that some disciplinary proceedings were initiated against the writ petitioner on the basis of criminal charges and dereliction of duty and submission of false report in the Case Diary and on conclusion of the proceedings, he was awarded with a punishment of rank reduction by one stage for a period of three years and subsequently, it was reduced to one of postponement of increment for one year without cumulative effect. Whiles, it is ordered by the learned Single Judge to consider the case of the petitioner for promotion from the date on which his immediate junior was promoted.

4. However, it is pertinent to note that the writ petitioner has undergone a punishment of postponement of increment for one year without cumulative effect, relating to criminal charges and dereliction of duty. In the circumstances, whether the writ petitioner would be entitled to be considered for promotion during the check period when he has been punished for the criminal charges levelled against him, has to be examined by the appellants and an order be passed in accordance with law by stating reasons for the decision to be taken, after calling for objection from the respondent/writ petitioner with regard to his say in the matter. Such an exercise shall be carried out within a period of two months from the date of receipt of a copy of this judgment. With the above observation, the writ appeal is disposed of. No costs. The connected miscellaneous petition is closed.

sd/-

Assistant Registrar

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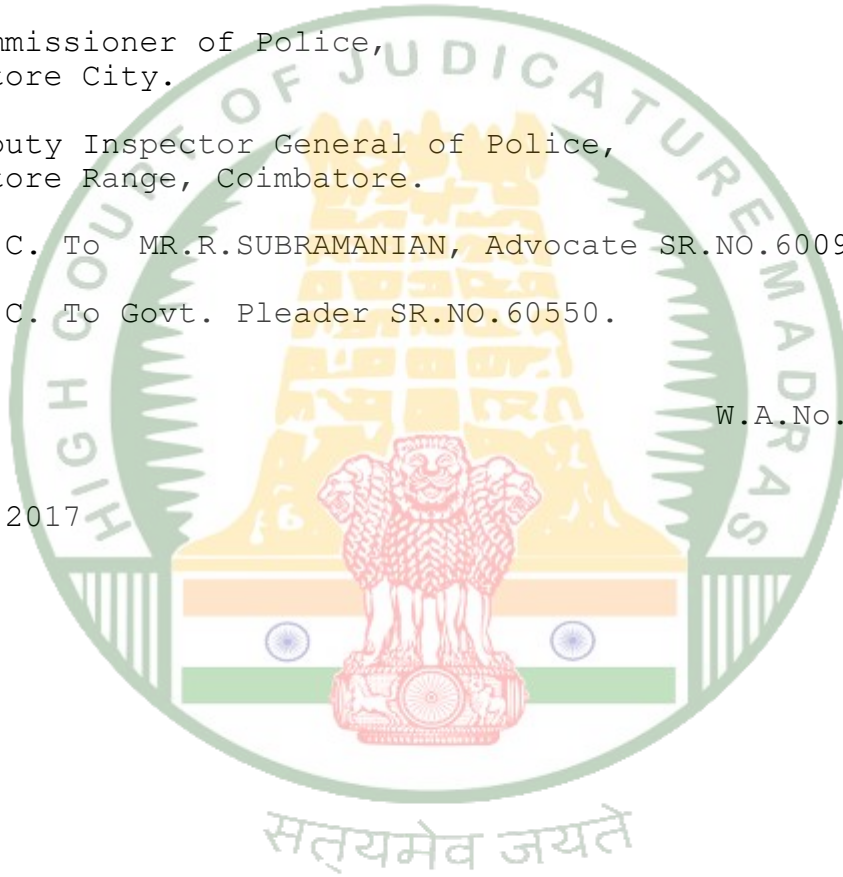
Sub Assistant Registrar

To:

1. Secretary to Government,
Home (Police IV) Department,
Fort St. George, Chennai 600 009.
 2. The Director General of Police,
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- +1 C.C. To MR.R.SUBRAMANIAN, Advocate SR.NO.60095.
- +1 C.C. To Govt. Pleader SR.NO.60550.

W.A.No.966 of 2017

SVI (CO)
ADD 09.10.2017



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