

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.10.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.26073 of 2017

G.Subramani

... Petitioner

-Vs-

1. The Commissioner of Police
Vepery, Chennai 600 008

2. The Joint Commissioner of Police
South Zone
St.Thomas Mount
Chennai 600 016

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider and pass orders on merits by disposing the written representation made by the petitioner on 07.04.2017 within a stipulated time as this Hon'ble Court fixes.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.P.Sanjay Gandhi
Additional Government Pleader

ORDER

The petitioner was appointed as Grade II Police Constable in 1986 and he was promoted as Grade I Police Constable in 1996 and continued in the said post till 2000. In the year 2002, he was again promoted as Head Constable. Subsequently, he suffered a criminal case initiated by the Vigilance and Anti Corruption department under Section 7 of the Prevention of Corruption Act, 1988, for which he was arrested and later on enlarged on bail on 30.1.2006. Consequently, based on the above episode, he was suspended from service by order dated 31.1.2006 passed by the Joint Commissioner of Police, South Zone, Chennai. It is his further claim that the said criminal case also ended in acquittal by the order dated 31.3.2016 passed by the Special Judge cum Chief Judicial Magistrate, Chengalpattu in Special Case No.15 of 2006. Thereafter, the department also decided not to prefer any appeal against the said order of acquittal dated 31.3.2016. In this background, the claim of the petitioner is that from the date of suspension till he was reinstated, he was

made to lose several avenues of promotion, while his juniors were given promotion to the higher post. Therefore, he has given a representation on 7.4.2017 to consider the grant of promotion on par with his juniors, since the criminal case filed against him was found to be false and meritless.

2. The learned Additional Government Pleader for the respondents submitted that the department may even initiate departmental proceedings against the petitioner.

3. If the law permits, it is open for the respondents to do so. So far as the limited prayer made by the petitioner before this Court is concerned, as the criminal Court acquitted the petitioner on 31.3.2016 and subsequently the petitioner was reinstated in service, this Court hereby directs the respondents to consider the pending representation of the petitioner on merits and pass appropriate orders in accordance with law, within a period of four weeks from the date of receipt of a copy of this order. The writ petition stands disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar

ss

To

1. The Commissioner of Police
Vepery
Chennai 600 008

2. The Joint Commissioner of Police
South Zone
St.Thomas Mount
Chennai 600 016

+1cc to Mr.C.Prakasam, Advocate, S.R.No.73072
+1cc to the Government Pleader, S.R.No.72860

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EV(CO)
CA(06/11/2017)