



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.06.2017

CORAM:

THE HONOURABLE MS.INDIRA BANERJEE, CHIEF JUSTICE

and

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM

W.A. (MD) No.792 of 2017

and

C.M.P. (MD) No.5614 of 2017

1. The Commissioner of Police
Madurai City, Madurai

2. The Dy. Commissioner of Police
Headquarters
Madurai City

... Appellants/Respondents

-vs-

K.Srinivasan

... Respondent/Petitioner

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 19.09.2014 in W.P.(MD).No.8757 of 2014, on the file of this Court.

Prayer in WP(MD). 8757/ 2014 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings Na.No. A2/19816/302/2014 dated 25.04.2014 and quash and consequently directing the respondents to promote the petitioners to the post of Grade I Police Constable in the order of Seniority.

For Appellants : Mr.V.Muruganantham
Additional Government Pleader

For Respondent : Mr.B.Saravanan

J U D G M E N T

(Judgment of the Court by T.S.SIVAGNANAM, J.,)

Heard Mr.V.Muruganantham, learned Additional Government Pleader appearing for the appellants and Mr.B.Saravanan, learned counsel accepts notice on behalf of the respondent.



2. With the consent of both sides, this writ appeal is taken up for final disposal at the admission stage itself.

3. This writ appeal by the Commissioner of Police, Madurai City, is directed against the order, dated 19.09.2014 in W.P.(MD). No.8757 of 2014, which was filed by the respondent herein challenging the order, dated 25.04.2014, passed by the second appellant and for a consequential direction upon the appellants to promote the respondent to the post of Grade-I Police Constable in the order of seniority.

4. The respondent was denied promotion on the ground that he suffered an order of censure and his case would be considered for promotion after five years as it falls within the check period. The Writ Court, taking note of the decision of the Honourable Full Bench of this Court in **The Deputy Inspector General of Police, Thanjavur Range v. Rani**, reported in **2011 (3) CTC 129** remanded the matter to the first respondent for fresh consideration and fixed a time limit for compliance. As against which, the present appeal has been filed.

5. We find no error in the order impugned as the matter has been remanded to the first appellant for fresh consideration in the light of the Full Bench decision in **The Deputy Inspector General of Police, Thanjavur Range v. Rani** (cited supra). After the said decision, the State Government issued a Government Order in G.O.Ms.No.22, Personnel and Administrative Reforms (S) Department, dated 24.02.2014, by which among other things, the Government proposed to bring back the check period and to impose an embargo on a person, who suffered punishment for being considered for promotion for a period of five years. The said Government Order was put to challenge in a batch of cases and the Division Bench in the case of **K.Rajalakshmi and The Principal Secretary to Government, School Education Department, Secretariat, Chennai-600 009 and others, W.A.No.983 of 2015, dated 14.09.2016**, quashed the said Government Order.

6. In the light of the above, we find no error in the directions issued by the Writ Court and the appellants are directed to implement the same within a period of four weeks from the date of receipt of a copy of this Judgment.

7. In the result, the writ appeal fails and it is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-I)



To

1.The Commissioner of Police,
Madurai City, Madurai.

2.The Deputy Commissioner of Police,
Head quarters, Madurai City.

+1 cc to Mr.B.Saravanan , Advocate in SR.No. 61912

krk

AE/MR KKR/SAR3/04.07.2017/3P/4C

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