



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.08.2017

CORAM

**THE HONOURABLE MR.JUSTICE T.RAJA**

WEB COPY

W.P(MD)No.15684 of 2017

K.Raja Karuppasamy

... Petitioner

-vs-

1. The Secretary to Government,  
State of Tamil Nadu,  
Public (Law and Order-A) Department,  
St.George Fort,  
Chennai.

2. The Additional Director General of Police and  
Inspector General of Prisons,  
Chennai-8.

3. The Superintendent of Prison,  
Central Prison,  
Madurai District.

... Respondents

**Prayer:**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a writ of mandamus directing the respondents to consider the representations of the petitioner dated 18.07.2016, 21.08.2016 and 14.10.2016, for regularization of his service as grade-I warder from October, 2012 instead of January, 2017 and grant him all service and monetary benefits.

For Petitioner

: Mr.C.M.Arumugam

For Respondents 1 and 2 : Mr.R.Karthikeyan

Additional Government Pleader

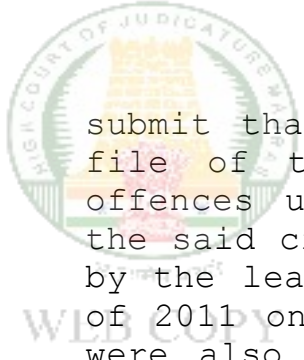
**ORDER**

By consent of both sides, this writ petition itself is taken up for final disposal.

2.The petitioner was appointed as Grade II Police Constable on 19.11.2001. The petitioner's Juniors, who were appointed on 19.11.2001, were given promotion to the post of Grade I Warder on October 2012, whereas, the petitioner was given promotion in the year January 2017.

<https://hcservices.ecourts.gov.in/hcservices/>

3.The learned counsel appearing for the petitioner would



submit that the petitioner was facing criminal proceeding on the file of the learned I Additional Sessions Judge, Madurai for offences under sections 302 r/w. 201, 302 r/w 218 IPC. Finally, the said criminal case was disposed of in favour of the petitioner by the learned I Additional Sessions Judge, Madurai in S.C.No.305 of 2011 on 29.01.2016. Subsequently, the disciplinary proceedings were also dropped by proceedings dated 15.03.2016 and thereafter the petitioner is not facing any currency of punishment or pendency of any case. Therefore, the purpose, for which, he was denied promotion along with his Juniors for the post of Grade I Warden is no longer existing. Therefore, when the petitioner is able to prove his innocence both before the department as well as before the Trial Court in S.C.No.305 of 2011, the respondents should have considered the case of the petitioner for promotion to the post of Grade I Warden along with his Juniors with effect from October 2012. In this regard, the petitioner has given representations on 18.07.2016, 21.08.2016 and 14.10.2016 and therefore, the same may be directed to be considered for regularisation of his service as Grade I Warden from October 2012 instead of January 2017, on par with his Juniors. However, the same has not been considered so far and hence, the petitioner is before this Court.

4. Mr.R.Karthikeyan, learned Additional Government Pleader, takes notice for the respondents and sought sufficient time to consider the petitioner's representation.

5. Considering the limited prayer, without going into the merits of the matter, the second respondent is directed to consider the petitioner's representation dated 14.10.2016 on merits and in accordance with law within a period of eight weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (AD-II)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Government,  
State of Tamil Nadu,  
Public (Law and Order-A) Department,  
St.George Fort,  
Chennai.

<https://hcservices.courts.gov.in/hcservices>  
2. The Additional Director General of Police and  
Inspector General of Prisons,  
Chennai-8.



3. The Superintendent of Prison,  
Central Prison,  
Madurai District.

+1 CC TO MR.C.M.Arumugam, ADVOCATE IN SR No.74022

+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 74631

Mrn/rr

MK/SKN RSK/SAR-2/27.09.2017/3P/6C

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**22.08.2017**