

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 08.01.2018
CORAM

THE HON'BLE MR.JUSTICE T.RAJA

W.P.No.248 of 2018

M.Vijayakumar

... Petitioner

Vs.

1.The Secretary to Government,
Home Department, Fort St.George,
Chennai.

2.Additional Director General of Police &
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 006.

3.Deputy Inspector General of Prison,
Egmore, Chennai-600 008.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to consider the petitioner's name for promotion to the post of Probationary Officers for the year 2013-2014 without reference to the punishment of Censure imposed on the petitioner in the proceedings of the second respondent in No.1856/ESI/2017 dated 13.02.2017 and promote the petitioner as Probationary Officer if he is otherwise qualified, together with all consequential monetary and service benefits within a time frame.

For Petitioner : Mrs.S.Nirmala Daisy
for M/s.G.Bala Daisy

For Respondents : Mr.V.Jayaprakash Narayanan,
Special Government Pleader

W R D E R

This Writ Petition has been filed seeking a Writ of Mandamus directing the respondents to consider the petitioner's name for promotion to the post of Probationary Officers for the year 2013-2014, without reference to the punishment of Censure imposed on the petitioner, vide proceedings of the second respondent in No.1856/ESI/2017 dated 13.02.2017 and promote the petitioner as Probationary Officer, if he is otherwise qualified, together with all consequential monetary and service benefits within a time frame.

2. The petitioner, while serving as Assistant, was slapped with a show cause notice dated 12.01.2017 by the second respondent on a sole charge and called upon him to give his explanation as to why suitable action should not be taken. The petitioner, immediately after receipt of the show cause notice, submitted his explanation denying the charge and however, the Disciplinary Authority, found the petitioner guilty of the charge and imposed the penalty of Censure on 13.02.2017. As against the same, the petitioner preferred an appeal dated 01.07.2017, which also came to be dismissed vide order dated 06.09.2017. Aggrieved by the dismissal of the appeal, the petitioner also filed a revision petition and the same is pending consideration.

3. The learned counsel for the petitioner submitted that the promotion panel for the year 2013-2014 to the post of Probationary Officer was given effect to by the respondents in the year 2017 and therefore, direction may be given to the respondents to consider the petitioner for promotion as Probationary Officer on two grounds. Firstly, the punishment imposed on the petitioner, being Censure, is under challenge in review petition and it has not come to an end and secondly, the petitioner kept his service records clean during the period 2013-2014, when the promotion panel was drawn.

4. Though I could see considerable force in the argument advanced by the learned counsel for the petitioner, for the panel drawn during the year 2013-2014, the petitioner having kept his service records clean, he should have been promoted. Unfortunately, the respondents have not implemented the promotion panel for the year 2013-2014 and they sought to implement the same only during 2017-2018, but at that time, the petitioner has been running with currency of punishment of Censure. Therefore, this Court is not inclined to grant any relief to the petitioner.

5. This Writ Petition fails and accordingly, it is dismissed. No costs.

Sd/-

Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Secretary to Government,
Home Department, Fort St.George,
Chennai.

2.Additional Director General of Police &
Inspector General of Prisons,
Whannels Road, Egmore,
Chennai-600 006.

3.Deputy Inspector General of Prison,
Egmore, Chennai-600 008.

+1cc to M/s.G.Bala & Daisy

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