



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16.03.2018

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3211 of 2018

and

W.M.P (MD) Nos.3378 to 3380 of 2018

S.Gajendran

... Petitioner

Vs.

1.The Additional Director General of Police
(Administration),
Office of the D.G.P. Of Tamil Nadu,
Mylapore,
Chennai-600 004.

2.The Deputy Inspector General of Police,
Ramanthapuram Range,
Ramanathapuram.

3.The Superintendent of Police,
Ramanathapuram District,
Ramanthapuram.

4.B.Bindu

... Respondents.

PRAYER: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the 'C' list of Assistants fit for promotion as Superintendent for the panel year 2017-2018 published in the proceedings C.No.48262/NGB.II (1)/2017 dated 18.01.2018 of the first respondent and quash the same in respect of non inclusion of the name of the petitioner and consequently, to direct the first respondent to include the petitioner in the "C" List dated 18.01.2018 duly placing the petitioner above his immediate junior-4th respondent i.e. between SI.No.24 and 25[as 24(a)] and promote the petitioner as Superintendent prior to the date of promotion of the fourth respondent and grant all the service and monetary benefits.

For Petitioner :Mr.A.Thirumurthy

For R1 to R3 :Mrs.S.Srimathy
Special Government Pleader

ORDER

By consent of both parties, the writ petition is taken up for final disposal at the admission stage itself.

2.The petitioner is working as an Assistant in Police Department. He seeks promotion to the post of Superintendent. One Bindhu, the fourth respondent herein who is junior to the writ petitioner was promoted to the post of Superintendent on 18.01.2018. The only reason for passing over the case of the writ petitioner is that he suffered a punishment of censure on 06.04.2016. The crucial date for promotion in this case is 15.03.2017. No doubt, the punishment of censure was visited on the writ petitioner within one year prior to the crucial date. But as rightly pointed out by the learned counsel on either side, if the punishment of censure imposed on the petitioner was in respect of delinquency that occurred prior to five years preceding the crucial date, the same shall not be held against him. Therefore, passing over the writ petitioner for promotion to the post of Superintendent is clearly illegal.

2.The impugned C-list of assistants fit for promotion as Superintendents for the panel year 2017-2018 is quashed in so far as, it excludes the writ petitioner. There will be a direction to the first respondent to include the name of the writ petitioner in the said C-list drawn on 18.01.2018 by placing the petitioner above the fourth respondent.

3.The writ petition stands allowed accordingly. No costs. Consequently, connected W.M.P(MD)Nos.3378 to 3380 of 2018 are closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

- 1.The Additional Director General of Police (Administration),
Office of the D.G.P. Of Tamil Nadu, Mylapore, Chennai-600 004.
- 2.The Deputy Inspector General of Police, Ramanthapuram Range,
Ramanathapuram.
- 3.The Superintendent of Police, Ramanathapuram District,
Ramanthapuram.

+1CC to Mr.A.Thirumurthy, Advocate, SR.No. 55872

+1CC to the Special Government Pleader SR.No.56478

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