



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.03.2018

CORAM

THE HON'BLE MR.JUSTICE G.R.SWAMINATHAN

W.P. (MD) No.3403 of 2018

and

W.M.P (MD) No.3521 of 2018

WEB COPY

K.Govindasamy,
P.C.1260 (RMD),
Formerly P.C.1255 (KKI),
ARMED RESERVE,
Ramanathapuram.

... Petitioner

-vs-

1.The Inspector General of Police,
South Zone,
Madurai.

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4.The Superintendent of Police,
Kanyakumari District.

5.The Superintendent of Police,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus calling for the records relating to the orders 'Transfer and posting of Police Constable' vide D.O.984/2017 in C.No.A4/43015/2017 dated 29.11.2017 passed by the fourth respondent and the consequential order 'Transfer and Postings' in C.No.A3/31356/2017, D.O.No.134/2018, dated 09.02.2018 passed by the 5th respondent and to quash the same and consequently to direct the respondents to grant all attendant monetary benefits as per promotion order passed by the fourth respondent dated 30.8.2016 w.e.f. 1.3.2016 as Grade I PC to the petitioner.

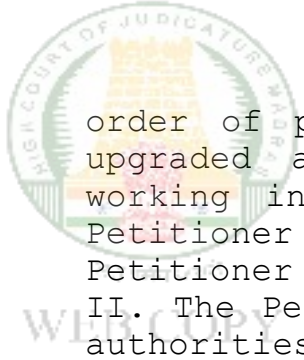
For Petitioner : M/s.S.Sivakumar

For Respondents : Mr.K.Saravanan

Government Advocate

O R D E R

The Petitioner joined the Police Department as Grade-II Police Constable on 1.12.2003. On completion of 10th year, he must have been upgraded as Police Constable Grade-I. But he suffered an



order of punishment in the meanwhile. Thereafter, he came to be upgraded as Police Constable Grade-I on 30.8.2016. When he was working in Nagercoil, he was transferred to Ramanathapuram. The Petitioner did not join in the transferred place. But the Petitioner continues to be treated only as Police Constable Grade-II. The Petitioner has been sending petition after petition to the authorities concerned. Since his request was not acceded to, he filed the present Writ Petition.

2. When the matter was taken up for hearing for final disposal, the learned Government Advocate appearing on behalf of the respondents would point out that since the Petitioner did not accept the order of up-gradation, he continues to be treated as Police Constable Grade-II. This Court is unable to accept the said version. Normally Person will forego up-gradation if it involves transfer from one place to another place. The Petitioner has silently accepted the transfer and moved from Nagercoil to Ramanathapuram. Therefore, there is no earthly reason not to accept the order of promotion. Therefore this Court is of the view that the Petitioner is entitled to be given the benefit of up-gradation as Police Constable Grade-I w.e.f. 1.3.2016. The Petitioner is to be given the consequential monetary benefits also. The order impugned in this Writ Petition is quashed. It is made clear that the Petitioner's challenge to the order of punishment is still pending before this Court and therefore, the Petitioner's case for up-gradation to the post of Grade-I Police Constable from an earlier date will depend on the outcome of the other Writ Petition filed by the Writ Petitioner. The respondents are directed to grant the attendant monetary benefits to the Petitioner within a period of eight weeks from the date of receipt of a copy of this order.

3. Accordingly, the Writ Petition is allowed and the orders impugned herein stands quashed. However, there shall be no order as to costs. Consequently, connected Miscellaneous Petition is closed.

Sd/

Assistant Registrar (CS-II)

/True copy/

Sub Assistant Registrar

To

1. The Inspector General of Police,
South Zone,
Madurai.

2. The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.



3.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

4.The Superintendent of Police,
Kanyakumari District.

5.The Superintendent of Police,
Ramanathapuram.

+1cc to Mr.S.SIVAKUMAR, Advocate, SR.No.52780

+1cc to M/s.Special Government Pleader,SR.No. 52989

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