



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2018

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P (MD) No.12964 of 2018

K.Govindasamy

... Petitioner

Vs.

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

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

3.The Superintendent of Police,
Ramanathapuram District.

4.The Superintendent of Police,
Kanyakumari District.

5.The Deputy Superintendent of Police,
Armed Reserve, Kanniyakumari District.

... Respondents

Prayer: This Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the 1st respondent to re-transfer the petitioner to AR Kanyakumari with General No.PC 1255 based on the order of this Court in W.P.(MD) No.3403 of 2018 dated 02.03.2018 and direct the 4th and 5th respondents to consider the petitioners old seniority for allotting a new house in the new police apartment at AR, Nagercoil and if seniority numbers above 138 have been allotted new houses, to direct the 4th and 5th respondents to immediately allot a new house in the New Police Apartment.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.K.Saravanan, G.A.

ORDER

The prayer in this writ petition is for a writ of mandamus, directing the 1st respondent to re-transfer the petitioner to AR Kanyakumari with General No.PC 1255 based on the order of this Court in W.P.(MD) No.3403 of 2018 dated 02.03.2018 and direct the



4th and 5th respondents to consider the petitioners old seniority for allotting a new house in the new police apartment at AR, Nagercoil and if seniority numbers above 138 have been allotted new houses, to direct the 4th and 5th respondents to immediately allot a new house in the New Police Apartment.

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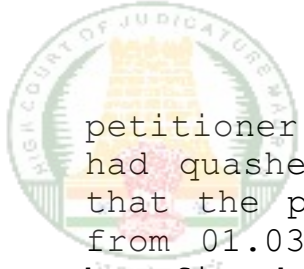
2. Heard Mr.S.Sivakumar, learned counsel for the petitioner and Mr.K.Saravanan, learned Government Advocate appearing for the respondents.

3. The petitioner already approached this Court by filing W.P. (MD) No.3403 of 2018, where this Court after having considered the plea raised by the petitioner as well as the merits of the said claim, has passed the following order:

"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."

<https://hcservices.courts.gov.in/hcservices/>
4. In the said order, a learned Judge of this Court had rejected the contentions raised by the respondents side that the



petitioner did not accept the upgradation. The learned Judge also had quashed the impugned order therein and had further directed that the petitioner shall be treated as Grade I P.C. with effect from 01.03.2016 and further directed that consequential monetary benefit shall also be given to the petitioner.

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5. After having obtained the said order, according to the learned counsel appearing for the petitioner, even though the petitioner had approached the respondents, the fifth respondent has not complied with the orders of this Court. Therefore, the petitioner had given a representation on 03.05.2018. Since nothing was forthcoming from the fifth respondent complying with the order of this Court as referred to above, the petitioner has filed this writ petition.

6. The petitioner has already approached this Court and obtained a favourable order as referred to above and if at all the petitioner has got any grievance for non compliance of the said order passed by this Court, it is open to the petitioner to workout his remedy by initiating appropriate proceedings against the erring officials/respondents, who have not complied with the orders of this Court. For the implementation of the orders passed by this Court in writ jurisdiction, the petitioner cannot once again invoke the writ jurisdiction of this Court by filing a writ petition like the one, which is on hand.

7. Therefore, this Court is of the view that, the present writ petition cannot be entertained and therefore, it is liable to be dismissed. Accordingly, this writ petition is dismissed. However, it is open to the petitioner to initiate appropriate proceedings in the manner known to law for non compliance of the orders of this Court made in W.P.(MD) No.3403 of 2018 dated 02.03.2018.

8. With this observation, this writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (Crl-Side)

// True Copy //

Sub Assistant Registrar (CS-I)

To

1. The Inspector General of Police,
 Secunderabad, Madurai.



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

3.The Superintendent of Police,
Ramanathapuram District.

4.The Superintendent of Police,
Kanyakumari District.

5.The Deputy Superintendent of Police,
Armed Reserve, Kanniyakumari District.

+ 1 CC TO MR.S.SIVAKUMAR, ADVOCATE IN SR NO. 68666

+ 1 CC TO SPECIAL GOVERNMENT PLEADER, IN SR NO.68850

Arul

BU/RSK/SAR-1 :09.11.2018 : 4P/8C

W.P(MD)No.12945 of 2018

19.06.2018