

IN THE HIGH COURT OF JUDICATURE AT MADRAS  
DATED : 19.12.2019  
CORAM  
THE HON'BLE MR.JUSTICE D. KRISHNAKUMAR  
W.P.No. 10787 of 2013

R.Perumal

..Petitioner

Vs

1. The Director General of Police,  
Tamil Nadu,  
Chennai-600004.

2.The Inspector General and  
Commissioner of Police,  
Salem City, Salem.

3.The Government of Tamil Nadu,  
rep. by Secretary to Government  
Home (Police) Department,  
Chennai-600009.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the records relating to the order of the 2<sup>nd</sup> Respondent in C.No. A1/6027/205/2011 dated 18.05.2011 to quash the same to the limited extent of denial of arrears of pay (in para 7) and to issue consequential directions directing the Respondents to disburse the monetary benefits to the Petitioner consequent on his upgradation as Grade I Police Constable with effect from 16.3.2004 and as Head Constable with effect from 16.3.2009 with interest on the delayed payment.

For Petitioner : M/s. M.Ravi  
For Respondents : Mr J.Ramesh, AGP

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O R D E R

The prayer sought for in the Writ Petition is to call for the records relating to the order of the 2<sup>nd</sup> Respondent in C.No. A1/6027/205/2011 dated 18.05.2011 to quash the same to the limited extent of denial of arrears of pay (in para 7) and to issue consequential directions directing the Respondents to disburse the monetary benefits to the Petitioner consequent on

his up gradation as Grade I Police Constable with effect from 16.3.2004 and as Head Constable with effect from 16.3.2009 with interest on the delayed payment.

2. Brief facts of the case:

The writ petitioner was appointed as Police Constable and while in service he was dealt with Under Rule 3(b) of the Tamil Nadu Police Subordinate Services (D&A) Rules in P.R.No.38/H//97 by the Deputy Commissioner of Police, Salem North, Salem for absenting duty. The writ petitioner awarded punishment of reduction in the time scale of pay by three stages for three years with cumulative effect. Subsequently, by considering the mercy petition, the said punishment was modified into one of 'Black Mark'. Subsequently, the petitioner granted up gradation as Police Constable Grade-I w.e.f 16.03.2004 and as Head Constable from 16.03.2009, but he was denied monetary benefits of arrears of pay. The petitioner has submitted an appeal on 20.08.2011. However, no action has been taken till date, therefore, present writ petition has been filed.

3. Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

4. The learned counsel appearing for the petitioner submitted that the writ petitioner has filed appeal on 20.08.2011 before the Secretary to the Government, Home(Police) Department, Secretariat, Chennai and therefore, it would suffice, if this Court issues direction to the appellate authority to consider the appeal and pass appropriate orders.

5. The learned Additional Government Pleader on the other hand submitted that the petitioner has filed appeal before the Government, who is not an appellate authority. Therefore, the petitioner has to file his appeal before the Director General of Police, Chennai/1<sup>st</sup> respondent herein, who is the competent appellate authority. Further there is no such acknowledgment to show that the said appeal has been preferred by the writ petitioner on 20.08.2011 as stated by him.

6. Considering the submissions made by either side and the limited request made by the learned counsel appearing for the writ petitioner, this Court directs the writ petitioner that he shall satisfy the Appellate Authority/The Director General of Police, Chennai that he has filed the appeal along with necessary documents before the Secretary to Government on 20.08.2011. Thereafter, the Director General of Police, Chennai/1<sup>st</sup> respondent herein shall consider the appeal and pass

appropriate orders on merits in accordance with law as expeditiously as possible.

7. With the above directions, the writ petition is disposed of. No costs.

Sd/-  
Assistant Registrar(CS IV)

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Sub Assistant Registrar

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To

1. The Director General of Police,  
Tamil Nadu,  
Chennai-600004.

2.The Inspector General and  
Commissioner of Police,  
Salem City, Salem.

3.The Government of Tamil Nadu,  
rep. by Secretary to Government  
Home (Police) Department,  
Chennai-600009.

+1 cc to Mr.M.Ravi Advocate sr106418  
+1 cc to the Government Pleader sr106702

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