

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 01.10.2019

CORAM

THE HONOURABLE MR. JUSTICE SUBRAMONIUM PRASAD

Cont.P.No.678 of 2019

P.Ravi

Petitioner

Vs.

1.Tr.Niranjani Mardi, I.A.S.,
(Additional Chief Secretary to Government)
Principal Secretary to Government,
Home (Pol.II) Department,
Fort St George, Chennai - 9.

2.Thiru.T.K.Rajendran, I.P.S.,
Director General of Police,
Dr Radhakrishnan Salai,
Mylapore, Chennai - 4. ... Respondents

Prayer: Contempt petitions filed under section 11 of the Contempt of Courts Act to punish the respondents for their willful and intentional disobedience to the order of the Hon'ble High Court in W.P.No.19053 of 2014 dated 18/11/2016.

For Petitioner : Mr.K.Venkataramani,
Senior Counsel for Mr.M.Muthappan
For Respondents: Mr.M.Elumalai,
Government Advocate

ORDER

The instant Contempt Petition is directed against an order dated 18.11.2016 in W.P.No.19053 of 2014. This is a case for claim for accelerated promotion. This Court while

passing the said order has directed as under;

"9.Keeping in mind the above submissions made by the learned counsel on either side, I have carefully considered the same and perused the materials available on record.

10.It is seen that as per G.O.Ms.No.805, Home(Police-V) Department, dated 07.10.2013, a Committee was constituted for considering the cases of accelerated promotion to the police personnel, under the Chairpersonship of the Chief Secretary with the following members, namely Principal Secretary to Government, Home, Prohibition and Excise Department, Principal Secretary to Government, Personnel and Administrative Reforms Department and Director General of Police. The Government, in the said G.O., was of the considered view that Police Personnel who have performed acts of extraordinary bravery and valour, when engaged in their efforts to apprehend and deal with hardcore criminals, terrorists and other anti-social elements, should be suitably recognised and hence, the said Committee was formed to examine the cases of awarding accelerated promotion to Police personnel who have performed acts of extraordinary bravery and valour in achieving operational success and to

submit its recommendations to the Government for issuing suitable orders.

11. Therefore, it is only for the said Committee to decide as to whether any act performed by a police personnel, is extraordinary bravery and valour in achieving operational success. Hence, I find that the impugned order passed by the first respondent in not forwarding the name of the petitioner to the said Committee for acceleration promotion, is not legally sustainable, because, as per the said G.O.Ms.No.805, it is only for the Committee to decide and not for the respondents to decide the case of the petitioner for accelerated promotion.

12. Accordingly, the respondents are directed to forward the proposal by recommending the name of the petitioner to the above said Committee for considering the case of the petitioner for accelerated promotion, within a period of two weeks from the date of receipt of a copy of this order. On receipt of the said proposal, the Committee is directed to consider the case of the petitioner for accelerated promotion and pass appropriate orders, on merits and in accordance with law, within a period of two weeks from the date of receipt of such proposal"

2. Though there is an extraordinary delay in compliance of the Order, nevertheless, the file as produced by the Department shows that on 04.02.2017, the Director General of Police, who is part of the Committee has placed the file of the petitioner before the Committee. Paragraph nos.10, 11 and 12 of the said letter dated 04.02.2017 reads as under;

"10.Thiru.P.Ravi, Deputy Superintendent of Police, TNUSRB, Chennai has also submitted a representation dated 09.01.2017 requesting to implement the High Court order dated 18.11.2016 in W.P.No.19053 of 2014 by enclosing the copy of above order.

11.Further, I am to inform that the Government is the Competent authority for giving accelerated promotions as per Government orders issued in G.O.Ms.No.468, Home(Police V) Department, dated 19.03.1996. Hence, as directed by the High Court of Madras in its order dated 18.11.2016, I request the Government (being 1st respondent), that the case of Thiru.P.Ravi, may be placed before the Committee constituted under the Chairpersonship of the Chief Secretary with the following members, namely Principal Secretary to Government, Home, Prohibition and Excise Department,

Principal Secretary to Government,
Personnel and Administrative Reforms
Department and Director General of Police
as per G.O.(Ms.)No.805, Home(Pol.V)
Department, dated 07.10.2013 for
considering his request for accelerated
promotion with effect from 2004, and to
pass appropriate orders, on merits.

12.I am sending herewith the copies
of following documents:

I. Representation dated 09.01.2017 of
Thiru.P.Ravi, Deputy Superintendent
of Police, TNUSRB, Chennai,

II. Order of the High Court of Madras,
dated 18.11.2016 in W.P.No.19053 of
2014.

III. Government letter No.30110/ Pol.2/
2012-9, dated 23.07.2013.

IV. Government letter No.30110/Pol.2/
2014-14, dated 10.06.2014,

V. This office letter No.131585/GB
2(1)/2011, dated 15.12.2012,

VI. This office letter No.7238/GB
2(1)/2014, Dated 08.04.2014,

VII. D.O. letter No.Estt 1(2)/950/112242/
2012, dated 25.03.2014, of the
Commissioner of Police, Greater
Chennai Police,

VIII. Letter No.Estt 1(2)/950/112242/
2012, dated 23.09.2012 of the
Commissioner of Police, Greater

Chennai Police,
IX.Letter No.Estt.1/15821/2012, dated
08.08.2012 of the Joint Commissioner
of Police, West Zone, Chennai,
X. Letter No.Estt.1(1)/777/36584/2013,
dated 21.03.2014 of the Joint
Commissioner of Police, West Zone,
Chennai,
XI.G.O.(Ms.) No.805, Home (Pol.V)
Department, dated 07.10.2013,
XII.)G.O.Ms.No.468, Home(Police V)
Department, dated 19.03.1996."

3.The Committee considered the case of the petitioner
and has rejected the case of the petitioner. The Committee
observed as follows:

"10.The meeting of Accelerated Promotion
Committee for considering the request of
Thiru.P.Ravi, Additional Superintendent of
Police for accelerated promotion as Deputy
Superintendent of Police with effect from
the year 2004, as per the orders of the
High Court of Madras dated 18.11.2016 in
W.P.No.19053 of 2014, was held on 8.7.2019
and the Committee has made the following
observations:-

(a)The act of nabbing of notorious
criminal Mohanram was a team operation and
it cannot be classified as the one of

exceptional personal bravery and valour and it cannot be said as the sole reason for achieving operational success in the said operation.

(b)None of the Police Personnel who took part in the above operation was given accelerated promotion.

(c)Moreover, giving accelerated promotion to one person by overlooking the seniority of others should have strong background like exemplary work, bravery, alertness, risking of life, solving major law and order crisis etc.

(d)The act of Thiru.P.Ravi, formerly Inspector of Police in having nabbed the notorious accused Mohanram is commendable one, but it cannot be termed as exceptional work.

In view of the reasons stated above, the Accelerated Promotion Committee has not recommend to grant accelerated promotion to Thiru.P.Ravi, Additional Superintendent of Police, SID, CBCID, Chennai(formerly Inspector of Police) as Deputy Superintendent of Police from the year 2004.

11.The Government after careful examination, have decided to accept the recommendation of the Accelerated Promotion Committee. Accordingly, the Government order that the request of

Thiru.P.Ravi, Additional Superintendent of Police formerly Inspector of Police for accelerated promotion as Deputy Superintendent of Police with effect from the year 2004, be rejected."

4.Mr.K.Venkataramani, learned senior counsel appearing for the petitioner says that this order is a mere lip service of the order. He would state that the learned Single Judge has directed to the Committee for favorably considering the case of the petitioner for accelerated promotion, but, the Committee has willfully disobeyed the order of the Court. He would argue that the rejection of the case of the petitioner is against the reasoning of the High Court and therefore, it amounts to contempt.

5.However a perusal of paragraph nos.11 and 12 of the order passed by this Court would indicate that the direction was to place the case of the petitioner before the Committee to take appropriate decision on the facts of this case. It cannot be said that there was a mandate to the Committee to favorably consider the case, otherwise this Court would have straightway allowed the writ petition.

6.This Contempt Petition is dismissed. It is needless to state that the petitioner is at liberty to challenge the order dated 11.07.2019 passed in G.O.(Ms) No.356, Home(Pol.2) Department rejecting the case of the petitioner.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

tsg

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/14/11/2019

To

- 1.(Additional Chief Secretary to Government)
Principal Secretary to Government,
Home(Pol.II) Department,
Fort St George, Chennai - 9.
- 2.Director General of Police,
Dr Radhakrishnan Salai,
Mylapore, Chennai - 4.