

IN THE HIGH COURT OF JUDICATURE AT MADRAS

(Civil Appellate Jurisdiction)

Wednesday, the Eighteenth day of September Two Thousand Nineteen

PRESENT

THE HON'BLE MR.JUSTICE S.MANIKUMAR

and

THE HON'BLE MR.JUSTICE D.KRISHNAKUMAR

CMP No.20184 of 2019

in WA SR.NO.117018 of 2019

1 THE GOVERNMENT OF TAMIL NADU [PETITIONERS]
REP BY THE SECRETARY TO GOVERNMENT, HOME
DEPARTMENT, FORT ST GEORGE, CH-09.

2 THE DIRECTOR GENERAL OF POLICE
TAMIL NADU, CHENNAI-04.

Vs

D.AMMADURAI [RESPONDENT]
INSPECTOR OF POLICE,
ANAIMALAI POLICE STATION, COIMBATORE
DISTRICT.

Petition praying that in the circumstances stated therein and in the affidavit filed therewith the High Court will be pleased to condone the delay of 232 days in filing the writ appeal against the order dated 21.12.2018 made in WP No.30181/2018 pending WA SR.NO.117018 of 2019.

Order : This petition coming on for orders upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of MR.P.S.SIVASHANMUGASUNDARAM SPECIAL GOVERNMENT PLEADER, for the petitioners and of M/S.G.BALA AND DAISY Advocate for the respondent the court made the following order:-

(Order of the Court was made by S.MANIKUMAR, J)

Being aggrieved by the common order made in WP Nos.30181 of 2018 dated 21.12.2018, instant writ appeal is filed with a delay of 232 days. Hence, CMP No.20184 of 2019, has been filed for condonation.

2. WP No.30181 of 2018 has been filed for a writ of mandamus, directing the respondents therein to include the name of the petitioner in the panel of Inspectors fit for promotion as Deputy Superintendent of Police (Category-I) for the year 2017-2019 issued in G.O.Ms.No.1006 Home (Pol.-2) Department, dated 16.08.2018 at Sl.No.60A and promote the petitioner as Deputy Superintendent of Police from the date of promotion of his immediate juniors together with all the consequential service and monetary benefits within a time frame. Other writ petitions have been filed to quash the penalties imposed. Clubbing all the writ petitions together, by common order in WP Nos.30181 of 2018 etc. batch dated 21.12.2018, writ Court quashed the punishments and consequently, issued direction to promote the writ petitioner as Deputy Superintendent of Police, Category-I from the date of promotion of his juniors, as claimed in WP No.30181 of 2018.

3. On this day, when the delay excuse petition came up for hearing, inviting the attention of this Court to an order made in WA Nos.1911 to 1914 of 2019 and CMP Nos.10096 of 2019 etc., dated 24.06.2019, Mr.P.S.Sivashanmugasundaram, learned Special Government Pleader submitted that orders made by the writ Court, quashing punishments, have been challenged in the above appeals and that interim stay has been granted. He further submitted that instant WA SR No.117018 of 2019, is against the order made in WP No.30181 of 2018 dated 21.12.2018 in which direction has been given to include the name of the petitioner in the panel of Inspectors fit for promotion as Deputy Superintendent of Police (Category-I) for the year 2017-2019.

4. Though, Mr.G.Bala and Daisy, learned counsel for the writ petitioner /respondent seeks time to file counter affidavit, we are not inclined to do so, for the reason that orders of the writ Court, quashing the penalties therein have already been challenged and that a Hon'ble Division Bench of this Court in a batch writ appeals in WA Nos.1911 to 1914 of 2019, has granted stay of the order of the writ Court. सत्यमेव जयते

5. Inclusion of the writ petitioner in the panel of Inspectors fit for promotion as Deputy Superintendent of Police (Category-I) for the year 2017-2019, is consequent to quashing of penalties. Mr.G.Bala and Daisy, learned counsel for the petitioner is also aware of the orders passed in the abovesaid writ appeals.

6. That be the case, even if there is an objection by way of counter, this Court will not be inclined to entertain the said objection.

7. Reasons assigned in the supporting affidavit to CMP No.20184 of 2019, filed for condonation, are as follows:

"16. It is submitted that the respondent/respondent herein has submitted a representation dated 07.01.2019
<https://hcservices.ecourts.gov.in/hcservices/>

to the second petitioner /appellant along with enclosing the copy of the above order dated 21.12.2018 and requested to promote him as Deputy Superintendent of Police on par with his junior. The second petitioner / appellant in his letter No.162893/GB-2(2)/2018, dated 30.01.2019 has sent a letter to the Government Pleader, High Court to offer his legal opinion on the feasibility of filing an appeal. The Government Pleader, High Court of Madras in his Opinion No.118/2019, dated 01.04.2019 has opined that this is a fit case for filing appeal.

17. It is submitted that the copy of the orders of this Hon'ble Court was received in this office on 31.01.2019. The draft Writ Appeal, draft affidavit for delay condonation and draft affidavit for stay were sent to the Government Pleader, High Court of Judicature at Madras on 27.03.2019 for vetting. The Government Pleader, High Court has vetted the same and sent the same to the office on 02.04.2019 and the same has been sent to the first petitioner / appellant for approval. The first petitioner / appellant has approved the drafts and returned the same to the second petitioner / appellant for filing. Accordingly, the writ appeal is filed. In the meantime, there is a delay of 232 days in filing the present writ appeal. The said delay is neither willful nor wanton but purely due to the abovesaid genuine reason unless, the said delay is condoned, the petitioners / appellants herein would be put to much hardship whereas no hardship would be caused to the respondent/respondent herein. Hence, it is just and necessary to condone the delay of 232 days in filing this Writ Appeal against the order dated 21.12.2018 made in WP No.30181 of 2018 in the interest of justice."

8. We are satisfied with the reasons assigned. Hence, delay is condoned and CMP No.20184 of 2019 is ordered.

9. Registry is directed to number the appeal and post the same along with WA Nos.1911 to 1911 of 2019. There shall be an order of interim stay of the order of the writ Court dated 21.12.2018 made in WP No.30181 of 2018, until further orders.

-sd/-

18/09/2019

/ TRUE COPY /

Sub-Assistant Registrar (Statistics / C.S.)
High Court, Madras - 600 104.

TO

1 THE SECRETARY TO GOVERNMENT
THE GOVERNMENT OF TAMILNADU, HOME DEPARTMENT
FORT ST. GEORGE, CHENNAI 600 009.

2 THE DIRECTOR GENERAL OF POLICE
TAMILNADU, CHENNAI 600 004.

The Special Government Pleader, High Court, Madras - 104.

Order

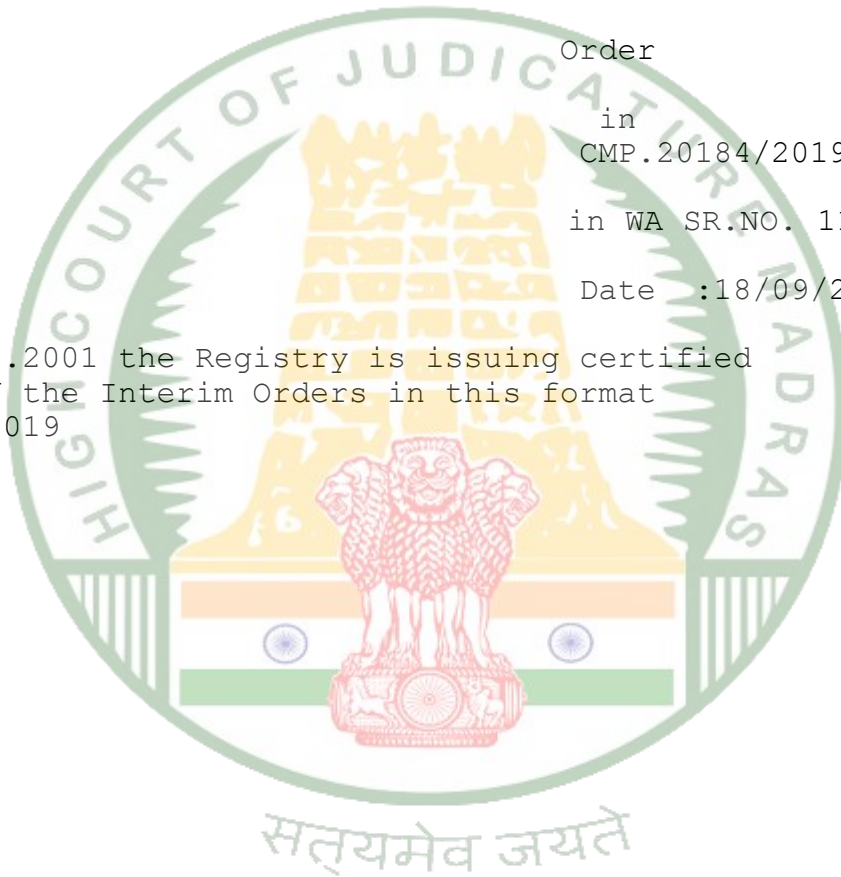
in

CMP.20184/2019

in WA SR.NO. 117018/2019

Date : 18/09/2019

From 26.2.2001 the Registry is issuing certified
copies of the Interim Orders in this format
KP 24/09/2019



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