



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.12.2019

CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.No.33706 of 2019

C.Balakrishna

... Petitioner

-Vs-

1. The Director General of Police,
Chennai - 600 004.
2. The Commissioner of Police,
Chennai Suburban Police,
Office of Commissioner of Police,
Chennai - 600 016.
3. Deputy Commissioner of Police,
Chennai Suburban Police,
Head Quarters, Chennai - 600 016.
4. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to grant promotion of Inspector of Police (Armed Reserve) in accordance with the 'C' list for promotion dated 29.08.2008 in R.C.No.232600/NGBI (1) 2007 together with selection grade all the consequential benefits, revise the pension accordingly to pay the arrears.

For Petitioner : Mr.K.Shanmugakhani

For Respondents: Mr.P.S.Sivashanmuga Sundaram
Special Government Pleader



ORDER

This writ petition has been filed for the issuance of writ of mandamus directing the 1st respondent to grant promotion and consequently to give all the benefits and also revised pension.

2.It is seen from records that the petitioner had joined police service in the year 1989 and he was promoted as Sub-Inspector in the year 2000. Disciplinary proceedings were initiated against the petitioner in the year 2008 and he was placed under suspension. Ultimately, the disciplinary proceedings ended with a punishment of withholding of increment for a period of three years with cumulative effect. Subsequently, another disciplinary proceeding was initiated against the petitioner for unauthorized absence. It ended in a punishment in the year 2009 with postponement of increment for three years without cumulative effect.

3.The petitioner was thereafter transferred to Kanyakumari District and again disciplinary proceedings were initiated against the petitioner for the 3rd time, and it resulted in a punishment of postponement of increment for a period of one year without cumulative effect in the year 2015. Thereafter, the 1st respondent had issued "C" Form calling upon the eligible Sub Inspector to be promoted as Inspector and the name of the petitioner is also said to have been recommended for promotion. In the mean time, the petitioner was also granted Selection Grade.

4.The petitioner had filed an appeal against the punishment of withholding of increment for one year without cumulative effect. This punishment was modified in appeal into "censure". The petitioner, ultimately, superannuated on 28.06.2018.

5.The petitioner had made a representation to the respondent seeking for promotion as Reserve Inspector as per the "C" list dated 29.08.2008 with selection grade and also consequential benefits including revised pension. Since, this representation was not considered, the present writ petition has been filed seeking for appropriate directions.

6.Heard Mr.Shanmugakhani, learned counsel appearing on behalf of the petitioner and Mr.P.S.Sivashanmuga Sundaram, learned Special Government Pleader appearing on behalf of the respondents.

7.Taking into consideration, the limited prayer that has been sought for by the petitioner, there shall be a direction to the 1st respondent to consider the representation made by the petitioner dated 10.10.2019 and deal with the same



strictly in accordance with law and pass appropriate orders within a period of eight weeks from the date of receipt of copy of this order.

8. This writ petition is disposed of with the above direction. No Costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ssr

To

1. The Director General of Police,
Chennai - 600 004.
2. The Commissioner of Police,
Chennai Suburban Police,
Office of Commissioner of Police,
Chennai - 600 016.
3. Deputy Commissioner of Police,
Chennai Suburban Police,
Head Quarters, Chennai - 600 016.
4. The Superintendent of Police,
Kanyakumari District, Nagercoil.

+lcc to Mr.K.Shanmugakhani, Advocate SR.101434
+lcc to the Government Pleader SR.101674

W.P.No.33706 of 2019

SSI (CO)
CB(09/01/2020)