



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 25.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **S . S . SUNDAR**

W.P. (MD)No.11491 of 2010

V.Radhakrishnan

... Petitioner

vs.

The Superintendent of Police,
Thoothukudi District, Thoothukudi.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the respondent in pursuant to the impugned order of upgradation issued in C.No.A3/25939/2010, D.O.779/2010, dated 19.07.2010 insofar as fixing the promotion order with effect from 16.04.2010 and quash the same and consequently, to direct the respondent to promote the petitioner with effect from 28.10.2004 on which the petitioner's batchmates were promoted within the time that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For Respondent : Mr.D.Muruganandam

Additional Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the impugned order passed by the respondent, dated 19.07.2010 and to direct the respondent to fix the promotion order with effect from 28.10.2004.

2.By the impugned order, the Superintendent of Police, Thoothukudi, the respondent herein, passed an order regarding petitioners' upgradation of Grade-I Police as Head Constable. The petitioner was initially appointed as Grade-II Police Constable on 25.05.1998 and upgraded as Grade-I Police Constable and 28.09.1999. However, by impugned order, the petitioner was not upgraded to the post of Head Constable, after completion of five years. His upgradation to the post of Head Constable was postponed by stating that his next increment would fall due only on 01.04.2009 and that he is entitled to be considered for promotion only after the punishment period of one year, ie., stoppage of increment for a period of one year.



3.Though the petitioner has challenged the impugned order, dated 19.07.2010 in the present Writ Petition, the learned Additional Government Pleader produced before this Court, the copy of Service Register of the petitioner to indicate that the petitioner was upgraded to the post of Head Constable on 25.05.2003. Since the petitioner has been given the relief, the learned Additional Government Pleader submitted that the Writ Petition has become infructuous. To the said factual position, the learned Counsel for the petitioner has no instructions. However, this Court is of the view that the fact, as reflected from the Service Register, can be recorded and the Writ Petition can be dismissed as infructuous.

4.Recording the fact that the petitioner has been upgraded to the post of Head Constable with effect from 25.05.2003, this Writ Petition is closed as infructuous. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

Sub Assistant Registrar(CS)

To

The Superintendent of Police,
Thoothukudi District, Thoothukudi.

+1 CC to M/s.Special Government Pleader (SR-101525[F] 26/11/2019)

+1 CC to M/s.G. THALAIMUTHARASU, Advocate (SR-101657[F] 27/11/2019)

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