



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20835 of 2013

Abdul Rasheed

... Petitioner

-Vs-

The Director General of Police,
Chennai.

... Respondent

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the proceedings of the respondent made in C.No.176873/NGB/VI (1)/2009, dated 12.03.2010 and quash the same as illegal and consequently, to direct the respondent to notionally promote the petitioner on par with the petitioner's juniors in terms on 2005-2006 panel with all consequential monetary benefits.

For Petitioner : Mr.N.Mohideen Basha
For Respondent : Mr.D.Muruganantham,
Additional Government Pleader.

ORDER

The order of deferment and not considering the name of the writ petitioner for promotion to the post of Section Superintendent in proceeding dated 12.03.2010, is under challenge in the present Writ Petition.

2.The writ petitioner joined as Junior Assistant in the Police Department. The claim of the writ petitioner is that he was due for promotion to the post of Section Superintendent in the panel of the year 2005-06. However, the claim of the writ petitioner was not considered, on account of the fact that punishment was imposed and the said punishment was in currency.

3.It is pertinent to note that the present Writ Petition itself was filed during the year 2013 and the writ petitioner was aged about 62 years at that time. Thus, the claim for promotion is set out by the writ petitioner after three years from his retirement. The name of the writ petitioner was not considered in respect of the panel of the year 2005-06 for promotion to the post of Section Superintendent, on account of the fact that the punishment was in currency. The rejection order was passed in the year 2010 and the Writ Petition itself was filed in the year 2013,



after lapse of so many years. The writ petitioner has not pursued his remedy during the appropriate time.

4.This apart, the name of the writ petitioner was not considered, in view of the fact that he was suffering an order of punishment. The currency of punishment is a bar for promotion, even as per the promotional policy issued by the Government. Thus, the case of the writ petitioner may be considered, only after expiry of the currency of punishment.

5.In the present case, the writ petitioner was not suffered from any infirmity and if there is no impediment for promotion to the post of Section Superintendent, the case of the writ petitioner is to be considered and not otherwise. Thus, the respondent shall verify the records and if there is no impediment for considering the case of the writ petitioner, then alone, his case is to be considered in accordance with the rules in force. However, the order impugned is in consonance with the promotional policy of the Government. This apart, the currency of punishment is a bar for promotion. Thus, there is no infirmity in the impugned order. Accordingly, the claim set out in the present Writ Petition for promotion to the post of Section Superintendent with reference to the panel of the year 2005-06 cannot be granted.

6.Accordingly, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar

/TRUE COPY/

Sub Assistant Registrar

To

The Director General of Police,
Chennai.

+1 CC to M/s.SPL GP (SR-84582[F] dated 30/08/2019)

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myr

JM/17.09.2019/2P/3C