



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.08.2019

CORAM:

WEB COPY

THE HONOURABLE MR. JUSTICE D.KRISHNAKUMAR

W.P(MD).No. 17726 of 2019

K.V.R.Kalaimohan

... Petitioner

Vs.

1. The State of Tamilnadu,
Represented by its
Principal Secretary to the Government,
Home (Police) Department,
Secretariat,
Chennai - 600 009.

2. The Director General of Police,
Tamil Nadu,
Chennai - 600 004.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus for a direction, to grant notional promotion to the petitioner in the post of Superintendent of Police with effect from 06.11.2011 on par with his juniors and provide all the consequential benefits to the petitioner, within the time period stipulated by this Court.

For Petitioner

: Mr.T.Aswin Rajasimman
For T.Lajapthi Roy,

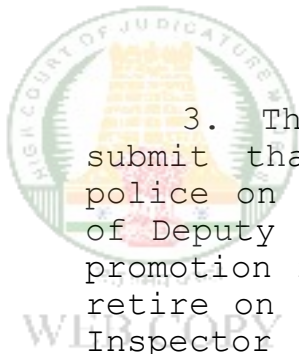
For Respondents

: Mr. A. Muthukaruppan,
Additional Government Pleader

O R D E R

The writ petition has been filed seeking for a direction, to grant notional promotion w.e.f. 06.11.2011 to the petitioner in the post of Superintendent of Police on par with his juniors and provide all the consequential benefits, within the time period stipulated by this Court.

2. Mr.A. Muthukaruppan, Additional Government Pleader takes notice for the respondents. By consent of both parties, the instant writ petition is taken up for final disposal at the stage of admission itself.



3. The learned counsel appearing for the petitioner would submit that the petitioner has joined duty as Sub-Inspector of police on 13.10.1976 and subsequently, he was promoted to the post of Deputy Superintendent of Police. While, he was awaiting notional promotion for the post of Superintendent of Police and was about to retire on 31.05.2012 on attaining age of superannuation, the Deputy Inspector General of Police, Dindigul has issued a charge memo in P.R.No.28/F1/2012, dated 23.05.2012, under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, just 7-days prior to his retirement and also passed an order of suspension, dated 29.05.2012. He would further submit that the Government has issued an order in G.O.(2D) No.53, Home (Police-2) Department 19.02.2018 for dropping further action in the above said charge against the petitioner and consequently, his suspension period was revoked from 30.05.2012 to 31.05.2012 and hence, he is entitled for all benefits. He would further submit that the petitioner has submitted a detailed representation, dated 29.11.2018 to the first respondent for granting promotion to the post of Superintendent of Police and provide all consequential benefits, but, no order has been passed by the first respondent. Hence, the instant writ petition is filed.

4. The learned Additional Government Pleader appearing for the respondents has submitted that the representation of the petitioner will be considered on merits, within a specified time that may be fixed by this Court.

5. By considering the said submission of both parties, this Court, without expressing any opinion on the merits of the petitioner case, this Court directs the first respondent to consider the petitioner's representation, dated 29.11.2018 on merits and in accordance with law, and pass necessary orders, within a period of Three (3) Months, from the date of receipt of a copy of this order.

6. With the above directions, this Writ Petition is disposed of. No Costs.

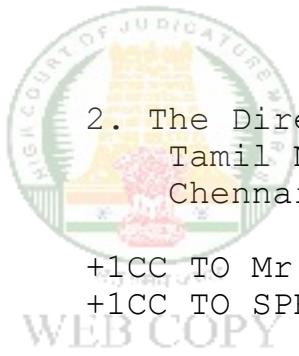
Sd/-
Assistant Registrar (AS)

/True Copy/

Sub Assistant Registrar

To

1. The Principal Secretary to the Government,
The State of Tamilnadu,
Home (Police) Department,
Secretariat,
Chennai - 600 009.



2. The Director General of Police,
Tamil Nadu,
Chennai - 600 004.

+1CC TO Mr.T.Lajapathi Roy, Advocate, Sr No.81702

+1CC TO SPECIAL GOVERNMENT PLEADER, SR NO.81814

W.P[MD]]No.17726 of 2019
13.08.2019

ksa

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