



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 20.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE **R.MAHADEVAN**

W.P.(MD)No.8404 of 2016

and

W.M.P.(MD)No.6782 of 2016

R.Jeyachandran

... Petitioner

Vs.

The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai - 4.

... 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 in pursuant to the impugned order passed by the respondent in Rc.No.105101/NGB1(1)/2015, dated 24.12.2015 and quash the same and consequently to direct the respondent to promote the petitioner as Inspector of Police in Virudhunagar District retrospectively with effect from the date on which his immediate junior was promoted to the post of Inspector of Police with arrears of pay.

For Petitioner

: Mr.M.Saravanakumar

For Respondent

: Mr.V.Anand

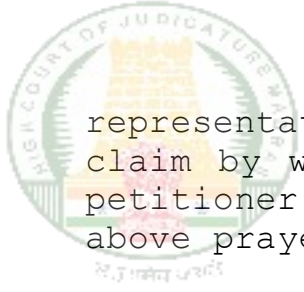
Government Advocate

ORDER

Challenging the impugned order passed by the respondent, dated 24.12.2015 and to direct the respondent to promote the petitioner as Inspector of Police, retrospectively with effect from the date on which his immediate junior was promoted to the post of Inspector of Police with arrears of pay, the present writ petition has been filed.

2.Heard the learned Counsel appearing on both sides and perused the materials available on record.

3.It is the case of the petitioner that he was appointed as Sub-Inspector of Police directly on 21.05.2000. Since, he was falsely implicated in a criminal case, his promotion was denied. Though the said criminal complaint was subsequently dropped, the respondent did not provide any promotion to the petitioner. Hence, he sent a representation to the respondent. In the earlier round of representation, seeking to consider his representation, this Court, directed the respondent to consider the petitioner's



representation, pursuant to which, the respondent rejected his claim by way of the impugned order, dated 24.12.2015. Hence, the petitioner has come up with the present writ petition with the above prayer.

4.The respondent filed a counter affidavit denying the averments made by the petitioner in the affidavit filed in support of this writ petition.

5.The learned Counsel for the petitioner submitted that the issue involved in this writ petition is covered by the order of this Court in W.P.Nos.29999 and 30000 of 2010 and 1984 of 2011, dated 24.02.2011 and hence, he prayed for similar relief to the petitioner herein also.

6.The learned Government Advocate appearing for the respondent is not disputing the same.

7.At this juncture, it is useful to refer to the relevant portion of the order of this Court, in W.P.Nos.29999 and 30000 of 2010 and 1984 of 2011, dated 24.02.2011, hereunder:

"10.Yet another factor to be noted is that as far as promotions are concerned, when an individual's name is overlooked for four panels, his juniors might have been promoted overlooking him. Based on an allegation kept pending for more than seven years, whether the petitioners have to be forced to serve under their juniors also has to be looked into. Under such circumstances, if any punishment is imposed, they have to forego their promotion, but, only on an allegation, that is to say, on suspicion, this cannot be done. Consequently, I am of the considered opinion that the petitioners are entitled to get temporary promotion.

Consequently, the writ petitions are disposed of by directing the respondents to promote the petitioners as prayed for, however, after getting an affidavit of undertaking from them to the effect that in the event of their failure in the criminal case, they can be reverted to the lower post. Such exercise shall be done within a period of eight weeks from the date of receipt of a copy of this order. No costs. Consequently, connected Miscellaneous Petitions are closed."

8.Following the same, this writ petition is disposed of, directing the respondent to promote the petitioner as prayed for, however, after getting an affidavit of undertaking from him to the effect that in the event of his failure in the criminal case, he can be reverted to the lower post. Such exercise shall be done within a period of six weeks from the date of receipt of a copy of



this order. Consequently, connected miscellaneous petition is closed. No costs.

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Sd/-

Assistant Registrar (CS-II)

Sub Assistant Registrar (CS)

To

The Director General of Police,
Office of the Director General of Police,
Mylapore, Chennai - 4.

+1 CC to M/s.SPL GP (SR-55654[F] dated 21/03/2019)

+1 CC to M/s.M.SARAVANA KUMAR, Advocate (SR-55704[F] dated
21/03/2019)

CMR

ORDER MADE IN
W.P. (MD) No.8404 of 2016
20.03.2019

KM/(22.04.2019) 3P 4C