



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.07.2019

CORAM:

WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.(MD)No.13432 of 2014

R.Narayanasamy

... Petitioner

-Vs-

1.The Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Aruppukkottai, Virudhunagar District.

3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the first respondent to give promotion to the petitioner as Head Constable with effect from 24.05.2009 in considering the G.O.Ms.No.15 (Home (Pol.V) Department) dated 07.01.2010 vide the representation of the petitioner dated 04.06.2014.

For Petitioner : Mr.S.Ramasamy
For Respondents : Mr.M.Jeyakumar,
Additional Government Pleader.

ORDER

The relief sought for in the present Writ Petition is for a direction to direct the first respondent to grant promotion to the writ petitioner as Head Constable with effect from 24.05.2009 as per G.O.Ms.No.15, Home (Pol.V) Department, dated 07.01.2010.

2.The writ petitioner joined as Police Constable on 24.05.1999. The writ petitioner was transferred and posted as Driver in Motor Transport at Armed Reserve at Virudhunagar, subsequently, he was transferred to various Police Stations in Virudhunagar District and at the time of filing of the Writ Petition, he was attached to Vachakarapatti Police Station, Virudhunagar District.

3.The grievance of the writ petitioner is that on completion of 10 years of service, he was not promoted to the post of Grade-I Police Constable and his juniors and batchmates were promoted and



therefore, the writ petitioner submitted a representation to the competent authorities. The said representation was not considered by the authorities and the writ petitioner is constrained to move the present Writ Petition.

4.The learned Additional Government Pleader appearing on behalf of the respondents made a submission that the writ petitioner was already promoted to the higher post of Grade-I Police Constable in proceeding dated 25.08.2014. He was not considered during earlier occasion, on account of the fact that currency of punishment was in force. Therefore, his name was not considered for promotion.

5.Pendency of grave charges or currency of punishment is a bar promotion as per the promotion rules. The Government also issued orders, stating that currency of punishment as well as punishment for grave charges are the ground for denial of promotion. However, the case of the writ petitioner was considered for promotion to the post of Grade-I Police Constable and he was promoted in proceeding dated 25.08.2014, with reference to the promotion to the post of Grade-I Police Constable. The case of the writ petitioner is to be considered for further promotion strictly in accordance with the rules as well as considering his eligibility and other criteria fixed in various Government Orders.

6.With these observations, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar(AD-II)

/TRUE COPY/

Sub Assistant Registrar

To

1.The Superintendent of Police,
Virudhunagar District.

2.The Deputy Superintendent of Police,
Aruppukkottai, Virudhunagar District.

3.The Inspector of Police,
Vachakarapatti Police Station,
Virudhunagar District.

+1 CC to M/s.S.RAMASAMY, Advocate (SR-77385[F] dated 24/07/2019)

+1 CC to M/s.SPL GP (SR-77703[F] dated 25/07/2019)

W.P. (MD) No.13432 of 2014