



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.07.2019

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.14445 of 2015

and

M.P(MD)Nos.1 & 2 of 2015

S.Dhanaraj

... Petitioner

Vs

- 1.The Government of Tamil Nadu,
Rep. by its Secretary to Government,
Home (Police) Department,
Secretariat,
Chennai-600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.
- 3.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.
- 4.The Superintendent of Police,
Theni District Police Office,
Theni.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order Na.Ka.No.A1/2006/180/2015 dated 18.06.2015 passed by the 3rd respondent and quash the same and consequently, direct the respondents to upgrade the petitioner as Gr-I Police Constable from 15.12.1989 F.N. And as Head Constable from 15.12.1994 and as SSI from 01.01.2008 (i.e., after the completion of 3 years of punishment period) and grant all the service and monetary benefits within the time limit to be fixed by this Court.

For Petitioner : Mr.A.Thirumurthy

For R1 to R4 : Mr.S.Dhayalan
Government Advocate

**ORDER**

The impugned order dated 18.06.2015 was issued pursuant to the directions issued by this Court to consider the representation. The impugned order states that the case of the writ petitioner was also considered for grant of up-gradation to the post of Special Sub Inspector of Police during the year 2008 and the writ petitioner was facing Departmental Disciplinary Proceedings during the relevant point of time. Thus, the up-gradation to the post of Special Sub Inspector of Police was deferred as far as the petitioner is concerned. However, after the expiry of the currency, the case of the writ petitioner was considered and accordingly, he was promoted to the post of Special Sub Inspector of Police with effect from 1.8.2012 and presently the petitioner is working as Special Sub Inspector of Police at Theni.

2. In view of the fact that the writ petitioner was facing Departmental Disciplinary Proceedings during the relevant point of time when his name was initially considered as per Government Orders in force, the writ petitioner is not entitled to claim any retrospective promotions to the post of Special Sub Inspector of Police.

3. As per the Government Order, pendency of the Departmental Disciplinary Proceeding is a bar for promotion as well as up-gradation. A person, who is facing the charges, is not entitled for up-gradation to the higher post or for any other promotion. Only if the employee is exonerated from the charges, then, he is entitled for retrospective promotion with all service benefits. The present case on hand, during the relevant point of time the writ petitioner was facing charges and his name was deferred. However, on the expiry of the currency, his name was reconsidered and he was promoted to the post of Special Sub Inspector of Police with effect from 1.8.2012. This being the factum, there is no infirmity in the impugned order passed by the respondent. The currency of punishment and other details are also enumerated in the impugned order. Accordingly, this Court is not inclined to interfere with the impugned order dated 18.06.2015 as the same is in consonance with the Government Order and the legal principles.

4. Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

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To

1.The Secretary to Government,
Government of Tamil Nadu,
Home (Police) Department,
Secretariat,
Chennai-600 009.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-600 004.

3.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.

4.The Superintendent of Police,
Theni District Police Office,
Theni.

+1 CC to M/s.A.THIRUMURTHY, Advocate SR-75073.
+1 CC to SPL GP SR-75190.

W.P (MD) No.14445 of 2015
12.07.2019

CS(24.07.2019) 3P 7C