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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.06.2019

CORAM:

THE HONOURABLE MR. JUSTICE S.M. SUBRAMANIAM

W.P. (MD) No. 770 of 2011

and

M.P. (MD) No. 1 of 2011

S.Thangavelu

... Petitioner

vs.

1. The Government of Tamil Nadu
rep. by its Home Secretary
Fort St. George, Chennai-600 009

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

3. The Deputy Inspector General of Police
Madurai Range, Madurai District

4. The Superintendent of Police
Virudhunagar, Virudhunagar District

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of writ of certiorarified mandamus to call for the records of the impugned order passed by the 4th respondent in D.O.86/2010 C.No.F3/892/2007 dated 01.02.2010 and quash the same and consequently direct the Respondents No.2 to 4 to fix the seniority and give the promotion to the petitioner for the post of Sub-Inspector of Police and give the monetary benefits to the petitioner.

For Petitioner : Mr.A.Rajaram

For Respondents: Mr.D.Muruganantham

Additional Government Pleader

ORDER

The order impugned dated 01.02.2010 was issued by the fourth respondent on the basis of the orders passed by this Court in W.P. (MD) No.39227 of 2006, dated 30.07.2008.

2. The writ petitioner was imposed with a punishment of reduction in time scale of pay by two stages for two years with cumulative effect and the said punishment order was challenged by him in W.P.No.39227 of 2006. This Court, by order dated 30.07.2008, modified the punishment into reduction in time scale of pay by two stages for two years without cumulative effect. Based on the orders of this Court, the impugned order of modification of punishment and re-promotion of pay has been issued.



3. The learned Additional Government Pleader appearing for the respondents states that the impugned order is an implementation order of the Court dated 30.07.2008 in W.P.No.39227 of 2006 and therefore, the writ petition cannot be entertained at all.

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4. On a perusal of the order dated 30.07.2008 in W.P.No.39227 of 2006, it is clear that the writ petitioner had challenged the order of punishment initially imposed by the competent Disciplinary Authority and the said punishment was modified by this Court and based on the orders of this Court, the impugned modification of punishment proceedings were issued. This being the factum, the present writ petition cannot be entertained. If at all the writ petitioner is aggrieved, he would have challenged the order dated 30.07.2008 passed in W.P.No.39227 of 2006 and not the consequential order passed by the respondents pursuant to the orders of this Court. Therefore, the writ petition is untenable and the same is, therefore, dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (Writs)

// True Copy //

Sub Assistant Registrar (CS)

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To:

1.The Home Secretary,
Fort St.George, Chennai-600 009.

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

3.The Deputy Inspector General of Police,
Madurai Range, Madurai District.

4.The Superintendent of Police,
Virudhunagar, Virudhunagar District.

+ 1 CC TO Mr.A.Rajaram, ADVOCATE IN SR No.66843

+ 1 CC to The Special Government Pleader SR.No.67108

W.P. (MD) No.770 of 2011

and

M.P. (MD) No.1 of 2011

04.06.2019