



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.777 of 2011

and

M.P. (MD) Nos.2 of 2011

G.Nageswari

... Petitioner

-Vs-

1.The Director General of Police,
Chennai.

2.The Additional Director General of Police,
(Administration), Chennai-4.

3.The Superintendent of Police,
Madurai District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order in C.No.B3/10910/147/2009 dated 19.02.2010 of the respondent No.3 relating to cancellation of the petitioner's promotion, quash the same and issue consequential directions to the respondent Nos.1 and 2 to promote the petitioner as Superintendent by implementing the orders of the petitioner's promotion issued by the respondent No.1.

For Petitioner : Mr.M.Natarajan,
for M/s.Ajmal Associates.

For Respondents : Mr.M.Jeya Kumar,
Additional Government Pleader.

ORDER

The order of cancellation of temporary promotion granted to the writ petitioner to the post of Superintendent is under challenge in the present Writ Petition.

2.The order impugned dated 19.02.2010 itself states that departmental disciplinary proceedings were initiated against the writ petitioner, who was holding to the post of Assistant District Police Office, Madurai awarded with punishment of postponement of increments for two years, which will not operate her future increments. In view of the award of punishment of postponement of increment for two years without cumulative effect, the temporary



promotion ordered to the writ petitioner as per the proceedings dated 14.12.2009 was cancelled.

3. Temporary promotions are given on certain administrative exigencies. Temporary promotions can never be claimed as a matter of right. In order to run administration peacefully, such temporary promotions are granted and at the time of grant of regular promotion, the rules in force ought to be followed scrupulously by the competent authorities. All promotions ought to be made strictly in accordance with rules and by considering all the eligible candidates, who are all eligible to secure the promotion to the higher post. If the writ petitioner is fully qualified and otherwise eligible for promotion to the post of Superintendent, her case is also to be considered along with all other eligible persons, whenever the process of preparation of panel for promotion is undertaken by the competent authorities.

4. This being the principles to be followed, mere cancellation of temporary promotions may not be a ground for granting the relief as such sought for in the present Writ Petition. This apart, the writ petitioner was imposed with punishment of stoppage of increment for two years without cumulative effect and therefore, the petitioner has not established any acceptable ground for the purpose of considering the relief as such sought for in the present Writ Petition. Thus, the order impugned has no infirmity and Accordingly, the Writ Petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(AS)

// True Copy //

Sub Assistant Registrar(CS)

Myr

To

1. The Director General of Police, Chennai.

2. The Additional Director General of Police,
(Administration), Chennai-4.

3. The Superintendent of Police, Madurai District.

+1CC TO MR.AJMAL ASSO, Advocate Sr. No.67537

+1CC TO THE SPECIAL GOVERNMENT PLEADER SR.No. 67423

W.P(MD)No.777 of 2011

KMK (CO)

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