

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2020

CORAM

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

W.P. 16521 of 2007
(O.A.No.2315 of 2004)

T.Kamaraj Pandian

... Petitioner

Versus

1. The Secretary to Government,
Home Police II Dept,
Fort St George,
Chennai - 9

2. The Director General of Police,
Chennai - 4.

... Respondents

PRAYER: Originally this petition has been filed as Original Application No.2315 of 2004 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.16521 of 2007.

Writ petition is filed under Article 226 of the Constitution of India praying for the issuance of a Writ of Certiorarified Mandamus to call for the records of the respondent in connection with the impugned order passed by the first respondent in letter No.62822/Pol.II/03/01 dt 10.07.03 and quash the same and direct the respondents to consider the claim of the applicant for promotion as Dy Supdt of Police, Category-I for the year 2000 - 2001 and promote him as Dy Supdt of Police, Category - I at par with his junior and grant him all consequential service and monetary benefits and grant him such other further relief as this Hon'ble Court.

For Petitioner : No appearance

For Respondents : Mr.K.Magesh
Special Government Pleader

O R D E R

The case of the petitioner is that he was joined as Sub-Inspector of Police in the year 1976. Subsequently he was promoted as Inspector on 3.8.89. While he was in service, a charge memo was issued in PR No.36/98 under Rule 3(b) of TNPSS

(D&A) Rules on 30.12.98. Subsequently, an enquiry officer was appointed and after the enquiry, first charge and part of the 2nd charge has been proved and the remaining charges have not been proved and the enquiry report was filed on 19.6.2000. Based on the enquiry report, the second respondent imposed a punishment of reduction in time scale of pay by one stage for one year without cumulative effect by an order dated 6.8.2000. The appeal, revision and review filed by the petitioner before the appellate authority revisional authority and the Government were rejected. Thereafter, the petitioner filed Original Application in O.A.No.5139/2000 and the same was allowed by an order dated 11.3.03. When the panel was prepared for the year 2000-2001 on 6.12.2000, the petitioner was suffering from punishment and hence his promotion has been deferred. Since the punishment has been set aside, the respondent police is bound to consider his claim for promotion as Deputy Superintendent of Police, Category-I on par with his junior who got promoted on 26.1.02.

2. The petitioner filed Original Application in O.A.No.1268 of 2003 seeking for a direction to consider his claim for promotion as Deputy Superintendent of Police for the year 2000-01 and the same was allowed on 10.4.03 and gave direction to the respondents police to consider the petitioner's name in the panel of the year 2000-01 and pass order within a period of eight weeks. Thereafter, the first respondent passed an impugned order dated 10.7.03 stating that the petitioner is facing a regular case in Crime No.1/02 under section 7 of the Prevention of Corruption Act. Hence, the petition.

3. No representation for the petitioner despite sufficient opportunity given.

4. The petitioner has filed Original Application in O.A.No.2315 of 2004 before the Tamil Nadu Administrative Tribunal at Chennai and after abolition of TNAT, petition has been transferred and numbered as W.P.No.16521 of 2007.

5. The learned Special Government Pleader would submit that the petitioner was facing charge for Corruption before the criminal Court. Therefore, his name was not considered at the relevant period and there is no merit in this case and it is liable to be dismissed.

6. Heard the learned Special Government Pleader and perused the materials available on record.

7. Admittedly the petitioner was Working as Inspector of Police, Control Room, Ramanathapuram District and his name was not considered in the panel for promotion for the year 2000-2001. At the relevant point of time, the petitioner was facing

criminal case for allegation of corruption. Therefore, his name was not considered for panel and the said reason is justifiable. Under these circumstances, this Court does not find any merit in the Writ Petition and it is liable to be dismissed. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mpa

To

1. The Secretary to Government,
Home Police II Dept,
Fort St George,
Chennai - 9

2. The Director General of Police,
Chennai - 4.

+1cc to the Government Pleader, S.R.No. 37169

W.P. 16521 of 2007

RR(CO)
GN(22/12/2020)



WEB COPY