

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.VAIDYANATHAN

W.P.No.18725 of 2010

Govindaraj

S/o. Subramania Chettiar,

Grade -II PC 614 (formerly 1196)

Sipcot P.S, Hosur,

Krishnagiri District.

...Petitioner

-vs-

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

2. The Deputy Inspector General of Police,
Salem Range, Salem.

3. The Superintendent of Police,
Krishnagiri District.

4. The Superintendent of Police,
Dharmapuri District.

...Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, for issuance of a writ of Mandamus, directing the respondents to consider the claim of the petitioner for upgradation as Grade -I PC and as well as Head Constable without reference to pending criminal case in SC No.119/2006 on the file of Sessions Court, Dharmapuri and grant him promotion as Gr-I PC and Head Constable and grant him all consequential service and monetary benefits and grant such other further relief.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.K.Magesh,
Spl. Govt. Pleader

O R D E R

The above writ petition has been filed for issuance of a writ of Mandamus, directing the respondents to consider the claim of the petitioner for upgradation as Grade-I PC and Head Constable without reference to pending criminal case in S.C.No.119 of 2006 on the file of the Sessions Court, Dharmapuri

and grant him promotion as Gr-I PC and Head Constable and grant him all consequential service and monetary benefits.

2. This Court heard Mr.M.Muthappan, the learned counsel for the petitioner and Mr.K.Magesh, the learned Special Government Pleader for the respondents.

3. When the matter was taken up for hearing, the learned counsel for the petitioner submitted that the request of the petitioner for upgradation as Grade-I PC and Head Constable, without reference to the pending criminal case in S.C.No.119 of 2006 on the file of the Sessions Court, Dharmapuri should be considered and he is entitled to promotion.

4. Per contra, learned Special Government Pleader appearing for the respondents contended that the aforesaid criminal case is still pending against the petitioner.

5. In reply to the above, learned counsel for the petitioner stated that depending upon the outcome of the Sessions' case, the petitioner may be permitted to make a fresh representation to the respondents and the same may be considered by them.

6. Considering the submissions made on either side, this Writ Petition is disposed of, with liberty to the petitioner to make a fresh representation to the respondents, after the outcome of the criminal case in S.C.No.119 of 2006 and seek promotion. Since the criminal case is of the year 2006, the concerned Sessions Court is directed to take up the case and proceed with the same on day to-day basis, without adjourning it beyond 15 days at any point of time and bring the issue to a logical conclusion, as expeditiously as possible.

7. It is made clear that pendency of the criminal case is not a bar for the respondents to proceed against the petitioner departmentally and the final orders to be passed in the departmental proceedings shall be kept in a sealed cover and be released, after disposal of the Sessions' case in S.C.No.119 of 2006. No costs.

Sd/-

Assistant Registrar

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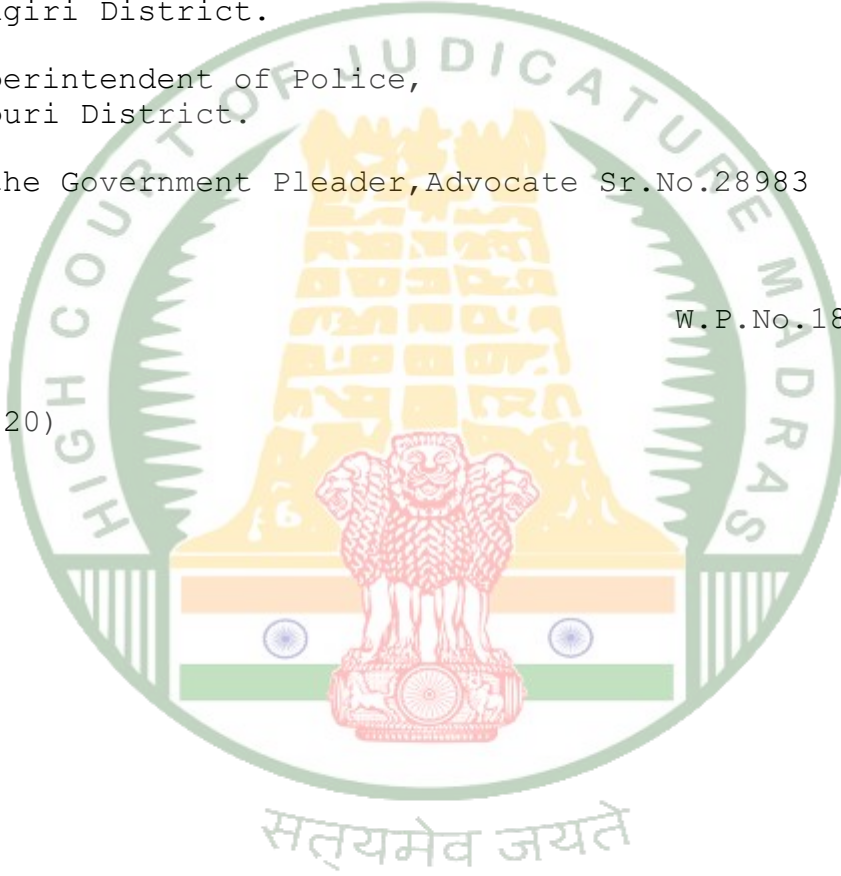
Sub Assistant Registrar

To:

1. The Sessions Court, Dharmapuri.
 2. The Director General of Police,
Chennai - 4.
 3. The Deputy Inspector General of Police,
Salem Range, Salem,
Salem.
 4. The Superintendent of Police,
Krishnagiri District.
 5. The Superintendent of Police,
Dharmapuri District.
- +1 cc to the Government Pleader, Advocate Sr.No.28983

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AJS (CO)
RV (23/9/2020)



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