

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:04/03/2020

C O R A M

THE HON'BLE MR.JUSTICE V.PARTHIBAN

Writ Petition No.31119 of 2018

D. Murugesan ... Petitioner

Vs

1. The Additional Chief Secretary to the Government
Home Department
Fort St. George
Chennai 600 009.
2. The Director General of Police
Santhome High Road
Chennai 4. ... Respondents

Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to include the name of the petitioner in the appropriate place in accordance with her seniority in the panel for promotion and he is eligible for promotion to Deputy Superintendent of Police Category - I.

For petitioner ... Ms.Sangeetha Rajkumar

For respondents ... Mr.J.Pothiraj
Special Government Pleader

सत्यमेव जयते
O R D E R

The petitioner approached this Court seeking the following prayer:-

"To direct the respondents to include the name of the petitioner in the appropriate place in accordance with his seniority in the panel for promotion to the post of Deputy Superintendent of Police Category - I."

2. According to the petitioner, he has a meritorious record of service of 31 years and has received several awards. The petitioner is an Inspector of Police and according to him, he has been overlooked in the matter of promotion to the next higher grade, i.e., to the post of Deputy Superintendent of Police.

3. The grievance of the petitioner is that although he became eligible, as he having been promoted as Inspector of Police from Sub-Inspector of Police way back of 5/4/1997, however, for some reason or the other, the promotion to the next grade, i.e., to the post Deputy Superintendent of Police was not given to him. In this connection, number of representations have been sent by the petitioner to the competent authority, but there was no positive response from the authorities concerned. Therefore, he has come up with the present writ petition, seeking for issue of a Mandamus to consider his claim for promotion to the post of Deputy Superintendent of Police, Category - I, for the panel year 2017 - 18.

4. On notice, Mr.J.Pothiraj, learned Special Government Pleader has entered appearance and filed a detailed counter affidavit.

5. In the counter affidavit, a detailed tabular column has been provided explaining the number of punishments imposed on the petitioner starting from 1/7/2009 and ending on 30/6/2019. From the tabular column, it is seen that from 2009, without any break, the petitioner has been punished repeatedly for his alleged periodical misconduct.

6. When repeated punishments have been imposed in terms of the Regulations and Rules, bar for promotion would come into operation and therefore, the petitioner was not entitled to be included in the panel for promotion to the post of next Deputy Superintendent of Police Category - I. This Court could see that at least eleven punishments have been imposed over a period of last ten years which obviously resulted in denial of promotion to the petitioner.

7. This Court, after taking note of the statement made in the counter affidavit, is of the view that the petitioner has no rightful cause to complain regarding his non-promotion for the panel year 2017 - 2018. The last punishment was imposed on 2/8/2016, viz., postponing of increment for two years without cumulative effect, which started from 1/7/2017 to 30/6/2019. In the said circumstances, the respondents have rightly denied the promotion to the petitioner. That being the case, this Court does not think that the petitioner can have any grievance at all regarding his non-promotion, which is entirely due to his own mis conduct committed over a period of ten years .

8. For the above said reason, this Court is of the view that writ petition is devoid of merits and hence the same is dismissed. No costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

mvs.
To

1. The Additional Chief Secretary to the Government
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Fort St. George
Chennai 600 009.
2. The Director General of Police
Santhome High Road
Chennai 4.

+1 cc to Government Pleader Sr.No. 19734

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A.SK(28/07/2020)



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