



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 22.01.2020

CORAM:

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P. (MD) No.1124 of 2020

M.Kannan

... Petitioner

vs.

1.The Director General of Police
Post Box Bo.601
Dr.Radhakrishnan Salai
Mylapore,Chennai 600 004

2.The Commissioner of Police
Madurai City,Madurai

3.The Deputy Commissioner of Police
Law and order
Tirupur City,Tirupur

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the respondents to sanction petitioner's yearly increment from the year 2018 and other arrears of yearly increment due to the petitioner and the consequent promotion by considering petitioner's representation,dated 12.12.2019.

For Petitioner : Mr.C.Susikumar

For Respondents : Mr.M.Jeyakumar

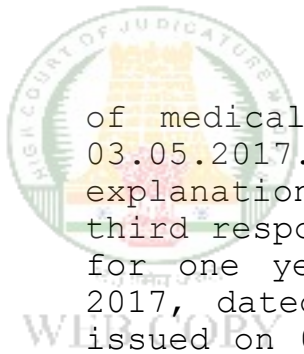
Additional Government Pleader

O R D E R

This Writ petition has been filed for a direction to the respondents to sanction petitioner's yearly increment from the year 2018 and other arrears of yearly increment due to the petitioner and the consequent promotion by considering the petitioner's representation, dated 12.12.2019.

2.Mr.M.Jeyakumar, learned Additional Government Pleader takes notice for the respondents. By consent of both parties, the Writ Petition is taken up for final disposal at the stage of admission itself.

3.According to the petitioner, he was appointed as Grade-II Police Constable on 15.11.2009 and he was sanctioned with the yearly increment in the post of Grade II Police Constable and now, he is working in the same post. In the year 2017, the petitioner was working under the third respondent as Armed Reserve Police, at that time, due to the illness of his wife, he applied for a Medical Leave for a period of 15 days and after getting permission, he went to his native place and took care of his wife. According to the petitioner, there is no family support and therefore, his presence is very much required for his family. Hence, the petitioner extended the medical leave for further 10 days. Thereafter, on 02.04.2017, the petitioner obtained a fitness certificate from the Government Hospital, Tirupur and reported for duty on the same day itself. Due to the extension



of medical leave, the third respondent issued a charge memo on 03.05.2017. Thereafter, on 03.06.2017, the petitioner submitted his explanation before the third respondent. In this circumstance, the third respondent passed a punishment order to postpone the increment for one year through his proceedings in Na.Ka.No.F2/Tha.Pa.No.34/2017, dated 22.06.2017. The implementation of punishment order was issued on 08.08.2017. For the year 2017, the petitioner's increment which fell due on 01.10.2017 was postponed and the punishment period was already over. The grievance of the petitioner is that till now, the respondents did not sanction the next increment and the arrears thereof. Hence, the petitioner made a representation, dated 17.07.2019 to the respondents to sanction his yearly increment from the year 2018. Thereafter, he sent a reminder, dated 12.12.2019 to the respondents. But so far, the representation of the petitioner was not considered by the respondents. Hence, the petitioner is before this Court.

4.Heard the learned counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5.Considering the limited scope of prayer sought for in the Writ petition and without advertting to the merits of the case, the respondents are directed to dispose the representation of the petitioner, dated 12.12.2019 on merits and in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6.With the above direction, this Writ petition is disposed of. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

- 1.The Director General of Police
Post Box Bo.601,Dr.Radhakrishnan Salai
Mylapore, Chennai 600 004
 - 2.The Commissioner of Police
Madurai City,Madurai
 - 3.The Deputy Commissioner of Police
Law and order,Tirupur City,Tirupur
- +1 CC to M/s.C.SUSIKUMAR, Advocate (SR-2468[F] dated 22/01/2020)
+1 CC to M/s.SPL.GP (SR-2565[F] dated 23/01/2020)

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SMA/30/01/2020/2P/6C