



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.12.2020

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD)No.5113 of 2015

and

M.P (MD)No.1 of 2015

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M.Rani

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Madurai Range,
Madurai - 625 002.

2.The Superintendent of Police,
Madurai District,
Madurai District Police Office,
Surveyor Colony
Madurai - 625 007

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to include the name of the petitioner in the 'C' list (Panel) for promotion to the post of Inspector of Police for the year (in the panel to be prepared in June 2015) and promote the petitioner to the post of Inspector of Police for the year 2015.

For Petitioner : Mr.A.Thirumurthy for
M/s.Victor Associates

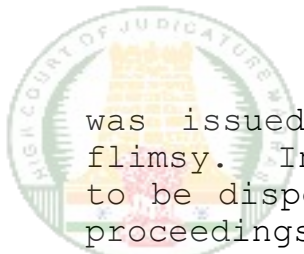
For Respondents : Mr.D.Muruganandham,
Additional Government Pleader

O R D E R

The relief sought for in the present Writ Petition is to direct the respondents to include the name of the petitioner in the 'C' list (Panel) for promotion to the Post of Inspector of Police for the year 2015 and promote the petitioner to the post of Inspector of Police for the year 2015.

2. The petitioner was directly recruited as Woman Sub-Inspector of Police and joined duty on 15.09.2004. The petitioner states that she is eligible for inclusion of her name in the 'C' list for the year 2014, for promotion to the post of Inspector of Police, however, the name of the writ petitioner was not included due to the fact that a charge memo under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 was pending during the relevant point of time.

3. The learned counsel for the Writ Petitioner made a submission that a charge memorandum under Rule 3(b) of the said Rule



was issued in proceedings, dated 29.03.2012 and the charges are flimsy. In spite of these facts, the said charge memorandum is yet to be disposed of. On account of the pendency of the disciplinary proceedings, the name of the petitioner is deferred and she is unable to get promotion for long years.

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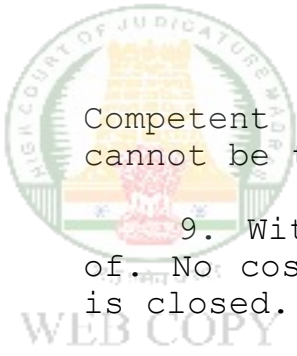
4. This Court is of the considered opinion that on initiation of the departmental disciplinary proceedings, the Authorities Competent must ensure that such proceedings are concluded as expeditiously as possible. Long pendency of the departmental proceedings would cause prejudice to the interest of the employees. Equally, the Department is duty bound to conclude the disciplinary proceedings as quick as possible and under these circumstances, the respondents are bound to take immediate steps to dispose of the charges framed against the Writ Petitioner during the year 2012, as the same is pending for the past about 8 years.

5. The learned Additional Government Pleader appearing for the respondents made a submission that even during the year 2013, the petitioner was imposed with a punishment of censure and therefore, the name of the petitioner was not considered for inclusion in the panel of the year 2014.

6. This Court is of the considered opinion that as of now, a charge memorandum issued under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, is pending. Thus, a said pendency is a bar for further promotion. As stated earlier, the respondents are bound to take steps and dispose of the said charges, as expeditiously as possible. As far as the relief to grant promotion to the post of Inspector of Police is concerned, promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is the right of an employee. All promotions are to be made strictly in accordance with the Rules in force. As far as the present Writ Petitioner is concerned, the Writ Petitioner is facing charges issued under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules. Thus, the said pendency is the bar.

7. At this juncture, the learned counsel for the Writ Petitioner states that the petitioner would fully co-operate for early disposal of the department disciplinary proceedings.

8. In view of the said submission, the respondents are directed to proceed with the enquiry proceedings and dispose of the same within a period of 12 weeks from the date of receipt of a copy of this order. After disposal of the disciplinary proceedings, if the Writ Petitioner is found eligible, as per the Rules in force, then, her case is to be considered strictly by following the Rules as well as the procedures, for grant of promotion. If the Writ Petitioner fails to co-operate for disposal of the disciplinary proceedings, the same shall be recorded in the minutes itself by the Authority



Competent and in such an event, the time limit fixed by this Court cannot be taken as a ground for the purpose of quashing the charges.

9. With these observations, the Writ Petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS I)

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/ /2020

Sub Assistant Registrar(CS)

MPK

To

1.The Deputy Inspector General of Police,
Madurai Range,
Madurai - 625 002.

2.The Superintendent of Police,
Madurai District,
Madurai District Police Office,
Surveyor Colony
Madurai - 625 007

+1 CC to M/s.T.SAKTHI KUMARAN, Advocate (SR-24988[F] dated
10/12/2020)

+1 CC to M/s.GP (SR-25108[F] dated 11/12/2020)

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SS (CO)

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