



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.11.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) .No.9489 of 2015

WEB COPY

A.Raju

... Petitioner

-Vs-

The Commissioner of Police,
Tirunelveli City, Tirunelveli,
Tirunelveli District.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the proceedings of the respondent in Rc.No.A1/3415/2015, dated 11.03.2015 and to quash the same and consequently direct the respondent herein to upgrade the petitioner as Special Sub Inspector of Police on par with his batch mates and grant all consequential service and monetary benefits.

For Petitioner	:	Mr.V.Kannan
For Respondent	:	Mr.D.Muruganandham Additional Government Pleader

ORDER

The order, dated 11.03.2015, rejecting the claim of the writ petitioner for up-gradation to the post of Sub-Inspector of Police, is under challenge in the present writ petition.

2.The petitioner states that he was appointed as Grade-II Police Constable on 17.01.1986 and subsequently, upgraded as Police Constable Grade-I. The petitioner was upgraded as Head Constable on 22.07.2003 and he is continuing in the said post. The grievances of the writ petitioner is that he has completed 25 years of service and therefore, he is entitled for further up-gradation as Special Sub-Inspector of Police. The batch mates of the petitioner are now working as Special Sub-Inspector of Police on up-gradation and the said benefits are not granted to the petitioner. The petitioner states that there was no currency of punishments nor any charges were pending during the relevant point of time. Thus, the case of the writ petitioner is to be considered.

3.The learned Additional Government Pleader appearing on behalf of the respondents mainly contended that the petitioner suffered many punishments and therefore, his case was not considered for further up-gradation. The service records of the petitioner was verified at the time of consideration of his name and taking note of the punishments suffered by the petitioner, he was not provided

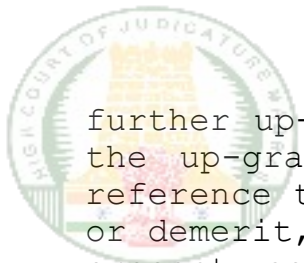


further up-gradation to the post of Special Sub-Inspector of Police.

4.The impugned order itself reveals the punishments suffered by the petitioner, which reads as under:-

Sl. No.	PR. No. Dated	Nature of Punishment	By whom
1.	PR 31/08 u/r 3(a) 06.04.2009	Postponement of Increment for one year without cumulative effect.	Asst. Commissioner of Police, Crime, Town
2.	PR 46/09 u/r 3(b) 09.10.2009	Reduction of pay by one stage for two years without cumulative effect.	Deputy Commissioner of Police, Law and Order, Tin City.
3.	PR 39/2010 u/r 3(b) 07.09.2011	Reduction in time scale of pay one stage for one year without cumulative effect.	Deputy Commissioner of Police, Law and Order, Tin City.
4.	PR 05/2011 u/r 3(b) 05.12.2011	Reduction in the time scale of pay one stage for one year and the period of reduction shall operate to postpone his future increment its effect on his pension is considered and intended.	Deputy Commissioner of Police, Law and Order, Tin City.
5.	PR 03/2012 u/r 3(b) 27.12.2012	Postponement of increment for two years which shall operate to postpone his future increment.	Deputy Commissioner of Police, Law and Order, Tin City.
6.	PR 16/2012 u/r 3(b) 06.05.2013	Postponement of increment for two years which shall operate to postpone his future increment.	Deputy Commissioner of Police, Law and Order, Tin City.
7.	PR 02/2014 u/r 3(b) 07.01.2015	Postponement of increment for one year without cumulative effect.	Deputy Commissioner of Police, Law and Order, Tin City.

5.Even during the pendency of the writ petition, the writ petitioner was facing disciplinary proceedings in P.R.No.115 of 2017 and 22 of 2019 and in both the proceedings, punishments were awarded to the writ petitioner. Thus, his case cannot be considered for



further up-gradation. This Court is of the considered opinion that the up-gradation to the higher post is to be granted only with reference to the service records and in the event of any punishments or demerit, the same is also to be taken into consideration. In the present case, the petitioner suffered many punishments and even during the pendency of the writ petition, two disciplinary proceedings were initiated, which, ended with an order of punishment.

6.This being the factum, the relief as such sought for cannot be granted and accordingly, the writ petition stands dismissed. No costs.

Sd/-

Assistant Registrar (AD-II)

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/ /2020

Sub Assistant Registrar(CS)

sjj

To

The Commissioner of Police,
Tirunelveli City, Tirunelveli.

+1 CC to M/s.GP (SR-23545[F] dated 01/12/2020)

W.P. (MD) .No.9489 of 2015
30.11.2020

MR (CO)
AP(10/12/2020) 3P 3C