

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2021

CORAM

THE HON'BLE MR.JUSTICE R. SURESH KUMAR

Writ Petition No.18401 of 2008

K.Ramakrishnan

... Petitioner

-Vs-

1.The Director General of Police
Chennai - 600 004.

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

3.The Superintendent of Police
Vellore District, Vellore.

... Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider the temporary promotion by including the name in the list of persons fit for promotion to the next higher post respectively without reference to the pendency of Criminal case in S.C.No.117 of 1996 on the file of the Principal Sessions Judge, Krishnagiri and connected departmental proceedings initiated against them and allow this Writ Petition.

For Petitioner : Mr.T.P.Prabhakaran

For Respondents : Mr.K.Magesh,
Special Government Pleader

O R D E R

The prayer sought for herein is to direct the respondents to consider the temporary promotion by including the name in the list of persons fit for promotion to the next higher post respectively without reference to the pendency of Criminal case in S.C.No.117 of 1996 on the file of the Principal Sessions Judge, Krishnagiri and connected departmental proceedings initiated against them and allow this Writ Petition.

2. The petitioner was working as Sub Inspector of Police at the respondent Department and in the year 1996, his name also was involved in a criminal case in S.C.No.117 of 1996 on the file of the Principal Sessions Judge, Krishnagiri, which was pending for several years. In view of the pending criminal

case, subsequently disciplinary proceedings was initiated and that was also not taken and in the meanwhile, when promotional due has come in, his name was not considered because of the pendency of the criminal case as well as the disciplinary proceedings. Therefore, unmindful of the pendency of the criminal case as well as disciplinary proceedings, the petitioner seeks for a writ of Mandamus directing the respondents to include his name in the list of eligible persons for promotion to the next higher post.

3. When the case is called, there is no representation for the petitioner. However, Mr. Magesh, learned Special Government Pleader would submit that, on earlier occasion ie., on 17.09.2020, a learned Judge of this Court, having considered these aspects, has given a direction to the respondents that, they can proceed with the disciplinary proceedings on day-to-day basis and pass final orders thereon.

4. Pursuant to the said order passed by the learned Judge dated 17.09.2020, it is submitted by the learned Special Government Pleader that the disciplinary proceedings has concluded and only final orders are to be passed by the Government ie., Secretary to the Government, Home Department.

5. Awaiting the orders to be passed by the Government, the learned Special Government Pleader submits that, depending on the outcome of the concluded disciplinary proceedings, the plea now raised by the petitioner would be considered.

6. I have considered the said submissions made by the learned Special Government Pleader and also perused the materials placed on record.

7. As has been rightly pointed out by the learned Special Government Pleader, since pursuant to the directions issued by this Court, the disciplinary proceedings was concluded and the matter has been referred to the Government for passing final orders, as not only the petitioner in the capacity of Sub Inspector, but also some higher officials were involved in the case, where departmental enquiry was conducted and the matter was referred to the State Government for passing final orders, depending upon the outcome of the same, the plea raised by the petitioner can be considered by the respondents, if he is otherwise eligible to be considered.

8. In that view of the matter, the writ petition is disposed of with the following order.

That the respondents are hereby directed to complete the disciplinary proceedings by passing final orders, for which the matter has been referred to the State Government and such order shall be passed as early as possible and once the orders are passed, depending on the outcome of the orders to be passed by the Government in the concluded disciplinary proceedings, the plea raised by the petitioner for getting promotional avenue, can be considered by the respondents, if the petitioner is otherwise eligible to be considered.

9. With the above observations, this writ petition is disposed of. No costs. Registry is directed to mark a copy of this order to the Secretary to the Government, Home Department, Fort St.George, Chennai 600 009.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

KST

To

1.The Director General of Police
Chennai - 600 004.

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

3.The Superintendent of Police
Vellore District, Vellore.

4.The Secretary to Government
Home Department
Fort St.George
Chennai 09

+1 cc to Mr.T.P.Prabakaran Advocate sr9956

+1 cc to Government Pleader sr9222

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