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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.09.2021

CORAM

THE HONOURABLE DR. JUSTICE ANITA SUMANTH

W.P. No. 18006 of 2009

K.P.Perumal

...Petitioner

Vs.

1.The Secretary to Government,
Home Department,
St. George Fort,
Chennai.

2.The Director General of Police,
Office of Director General of Police,
Chennai-4.

3.The Superintendent of Police,
Salem District.

4.The Deputy Inspector of Police,
Salem Range, Salem.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondents herein to promote the petitioner herein for the post of temporary Sub-Inspector of Police and consequently fix the seniority of the petitioner in the appropriate place.

(Prayer Amended as per order dated 20.10.2009 in M.P.No.3/2009 in W.P.No.18006 of 2009)

For Petitioner : Ms.Revathy
for R.Nalliyappan

For Respondents : Mr.C.Selvaraj
Government Advocate



ORDER

Learned Government Advocate appearing for the respondents would place on record written instruction dated 15.03.2017, as per which, the petitioner has been granted all benefits. The written instruction is extracted as follows:

D.O.No.198/2017
C.No.A2/17984/2016

District Police Office,
Salem.
Dated 15.03.2017

Upgradation of Special Sub Inspector of Police-Orders
issued

HC 1100 K.P.Perumal (Retired), Salem District, enlisted as Gr.II PC on 01.10.1974 was placed under suspension from 15.12.1990 for having involved in V&AC criminal case in Cr.No.1/AC/1989, vide D.O.1503/1990 of Superintendent of Police, Dharmapuri District. Simultaneously necessary departmental action was initiated against him in P.R.63/2003, u/r 3 (b) of TNPSS (D&A) Rules, 1955. Thereafter, he was dismissed from service on 13.07.1999, since the V&AC case was convicted by the Special Judge cum Chief Judicial Magistrate, Salem in S.C.No.152/1990, dated 07.05.1999

2) As per the orders of the Hon'ble High Court of Madras, the above conviction was set aside in CA Nos.386, 393 and 444/1999, dated 30.04.2002. Based on the Hon'ble Court Order and as per Chief Office memorandum in Rc.No.107724/Con. I(2)/1990, dated 12.11.2002, he has been taken back for duty and he reported on 04.12.2002. Therefore, he was allowed to retire from service on attaining the age of superannuation on the afternoon of 31.01.2011 AN without prejudice to the departmental action u/r 3 (b) in P.R.No.63/2003 pending against him, D.O.63/2011 in C.No.NI/1367/2011, dated 31.01.2011 of Superintendent of Police, Salem District.

3) As per Orders of Tamil Nadu Administrative Tribunal, Chennai, dated 03.02.2004 and Govt. Letter no.98130/Pol.VI/2011-6, dated 01.12.2004 and Chief Office Memorandum in Rc.No.107724/Con I (2)/1990, dated 01.06.2015, the charge memo in P.R.63/2003 u/r 3 (b) of TNPSS (D&A) Rules, 1955 against PC 1100 K.P.Perumal, Salem District was cancelled and the



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suspension period & out of employment period were ordered to be treated as duty for all purposes, vide D.O.767/2015 in C.No.HI/185/25813/2014, dated 25.08.2015 of Superintendent of Police, Salem District.

4) Accordingly, he was upgraded as Gr.I PC and and Head Constable with effect from 25.01.1993 and 25.01.1998 respectively, vide D.O.310/2016 in C.No.A2/40020/2015, dated 29.03.2016 of Superintendent of Police, Salem District.

5) In accordance with the orders issued in G.O.937, Home (Pol.III) Dept. dated 21.07.1998 and G.O.Ms.No.15, Home (Police-V) Dept., dated.7.1.2010, communicated in Chief Office memo Rc.No.3272/NGB-IV (2)/2009, dated 31.1.2010 and Chief Office clarification memo in Rc.No.188733/NGB-IV(1)/2016, dated.21.02.2017 and R.O.No.60/2017, C.No.A3/5144/2016, dated: 04.03.2017 of the Deputy Inspector General of Police, Salem Range, Salem, he is upgraded as Special Sub Inspector of Police with effect from 01.06.2008.

6) The above Head Constable who was upgraded as Special Sub Inspector of Police is entitled for monetary benefits in the time scale of pay attached to the post of Special Sub Inspector of Police with effect from the above date.

7) The orders of fixation of pay will be issued separately.

Sd/-P.Rajan,
Superintendent of Police,
Salem District

2. In the light of the aforesaid communication dated 15.03.2017, the mandamus as sought for stands more than achieved and this writ petition is allowed. No costs.

Sd/-
Assistant Registrar(CCC)

//True Copy//

Sub Assistant Registrar



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+1cc to the Government pleader Sr.44881

W.P. No. 18006 of 2009

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srg 20/10/2021