



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.08.2021

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THE HONOURABLE MR.JUSTICE C.SARAVANAN

W.P.No.17382 of 2021
and
W.M.P.No.18433 of 2021

(Through Video Conferencing)

P.A.Appaaswamy
Vs
... Petitioner

1. State of Tamil Nadu,
Represented by its Secretary Home Department,
Fort St.George, Chennai - 600 009.

2. Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.
...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the Respondents herein to promote the Petitioner from the post of Inspector of Police to The Deputy Superintendent of Police forthwith in the Tamil Nadu Government Service.

For Petitioner : M/s.G.Vijayanand Associates

For Respondents : Mr.L.S.M.Hasan Fizal
Government Advocate

ORDER

The petitioner has filed this writ petition for a Certiorarified Mandamus, to direct the Respondents herein to promote the Petitioner from the post of Inspector of Police to The Deputy Superintendent of Police forthwith in the Tamil Nadu Government Service.

2. It is the case of the petitioner that he joined in the Police Department as Sub-Inspector of Police and thereafter was promoted on 05.01.2000 as Inspector of Police. It is further case of the petitioner that he was denied further promotion though he had an impeccable reputation and had rendered a meritorious service.



3. The learned counsel for the petitioner submits that the petitioner was imposed punishment vide order dated 23.04.2015 in P.R.No.22 of 2015 under Rule 3(a) which was implemented from 01.07.2018. It is submitted that the promotion has been wrongly denied on the ground that when the panel for promotion for the panel year 2018-2019 and 2019-2020 was prepared, the petitioner was undergoing punishment and therefore the petitioner's name was not recommended. As per Section 7(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, the petitioner could not be promoted.

4. The learned counsel for the petitioner submits that the period of punishment was in currency between 01.07.2018 and 30.06.2019 and not between 01.07.2018 and 08.11.2019. It is submitted that though the petitioner had sent representation dated 29.07.2021, it was not considered. The learned counsel for the petitioner further submits that the petitioner will be attain the age of superannuation on 10.12.2023. Therefore, the petitioner's case may be considered for being promoted.

5. The learned Government Advocate for the respondents submits that the punishment was in currency when the panel for promotion for the year 2018-2019 and 2019-2020 was prepared.

6. Heard the learned counsel for the petitioner and the learned Government Advocate for the respondents.

7. The petitioner has sent representation dated 29.07.2021, the punishment that was inflicted the petitioner vide P.R.No.22 of 2015 was postponement of increment for one year without cumulative effect and Order dated 31.10.2020 states that the order was implemented on 01.07.2018. That being the case, the currency of the punishment would come to an end on 30.06.2019.

8. The second respondent is therefore directed to consider the representation of the petitioner favourably and pass appropriate orders within a period of six weeks from the date of receipt of a copy of this order.

9. This Writ Petition stands disposed with the above observations. No costs. Consequently, connected Writ Miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

arb



To

1. The Secretary,
Home Department,
Government of Tamil Nadu,
Fort St.George, Chennai - 600 009.

2. The Director General of Police,
Dr.Radhakrishnan Road,
Mylapore, Chennai - 600 004.

+1cc to M/s.G.Vijayanand Associates, Advocate, S.R.No.42439
+1cc to the Government Pleader, S.R.No.42621

W.P.No.17382 of 2021
and W.M.P.No.18433 of 2021

SPD(CO)
CT(22/09/2021)