



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.03.2021

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.17964 of 2014

T.Chinnaraju

... Petitioner

Vs

The Principal Secretary to Government,
Home (Police-2) Department,
Secretariat, Chennai - 600 009.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondent herein to notionally promote the petitioner as Additional Superintendent of Police with effect from 01.01.2008 in the light of the Full Bench Judgment of this Hon'ble Court reported in 2011 (3) C.T.C. Page 129 and consequently direct the respondent herein to re-fix the petitioner's retirement benefits in the cadre of Additional Superintendent of Police with all consequential benefits.

For Petitioner : Mr.Ravi Shanmugam

For Respondent : Mr.A.N.Thambidurai, Spl.GP

ORDER

The relief sought for in this writ petition is to direct the respondent to notionally promote the petitioner as Additional Superintendent of Police with effect from 01.01.2008 in the light of the Full Bench Judgment of this Court reported in 2011 (3) C.T.C. 129 and consequently re-fix the petitioner's retirement benefits in the cadre of Additional Superintendent of Police with all benefits.

2.According to the petitioner, he was directly recruited as Sub Inspector of Police on 01.11.1973 and was subsequently, promoted to the post of Inspector of police on 31.08.1983 and further promoted as Deputy Superintendent of Police on 03.01.2001. While so, he was imposed with a punishment of postponement of increment for two years with cumulative effect in PR.No.15/2002 and due to currency of the punishment, though

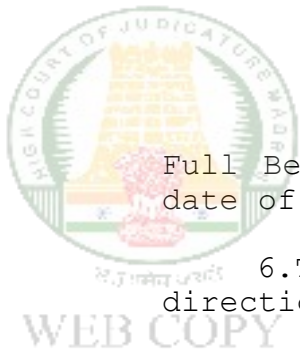


he was eligible, he was denied promotion as Additional Superintendent of Police for the years 2006-07 & 2007-08. It is the grievance of the petitioner that even after the punishment period was over, he was not given promotion, whereas his juniors were promoted right from the year 2007 onwards. Stating that he was entitled to promotion from 01.01.2008, since the punishment period was over by 31.12.2007, the petitioner made a representation dated 21.04.2014 seeking notional promotion from 01.01.2008. In the mean time, he retired from service on reaching the age of superannuation on 31.01.2009. Finding no response on the said representation, he has come up with this writ petition for the aforesaid relief.

3. Upon notice, a detailed counter affidavit was filed by the respondent, wherein, it is inter alia stated that the petitioner was undergoing currency of punishment of stoppage of increment for two years with cumulative effect in PR.No.15/2002 under rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, on the crucial date i.e., on 01.06.2007 and at the time of consideration of promotion panel for the year 2007-2008 i.e., on 12.11.2007; he was also having adverse entries on the Annual confidential report for the period from 13.06.2001 to 31.03.2002; the petitioner's name was considered for inclusion in the year 2006-2007 and in the year 2007-2008 temporary panel of Additional Superintendent of Police (Category-I), but he was not included in the same in view of the adverse entries in his ACR; and as such, the petitioner is not entitled for notional promotion with effect from 01.01.2008, though his punishment period was over as on 01.01.2008. With these averments, the respondent sought to dismiss this writ petition.

4. The aforesaid averments made in the counter affidavit filed by the respondent have been seriously refuted by the learned counsel for the petitioner. According to him, the Full Bench of this Court in Deputy Inspector General of Police, Thanjavur v. V.Rani, has held that promotion should be granted after the expiry of currency of punishment. Hence, the learned counsel prayed to this Court that the petitioner's representation may be directed to be disposed of by the respondent authorities, in the light of the said decision, within a time frame to be stipulated by this Court, for which, the learned Special Government Pleader appearing for the respondent has no serious objection.

5. In view of the limited relief now sought by the learned counsel for the petitioner, which has not been seriously opposed on the side of the respondent, this Court directs the respondent to consider the petitioner's representation dated 21.04.2014, if not already considered and pass appropriate orders on merits and in accordance with law and also in the light of the aforesaid



Full Bench decision, within a period of six (6) weeks from the date of receipt of a copy of this order.

6. This Writ Petition is disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

mtl

To

The Principal Secretary to Government,
Home (Police-2) Department,
Secretariat, Chennai - 600 009.

+1cc to Government Pleader (SR No.12768)

W.P.No.17964 of 2014

PCH (CO)
PR (26/07/2021)