



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P (MD)No.8470 of 2021

R.Senthil Kumar

... Petitioner

vs.

1.The Principal Secretary,
Home(Police II Department)
Fort St.George,
Chennai-600 009.

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

... Respondents

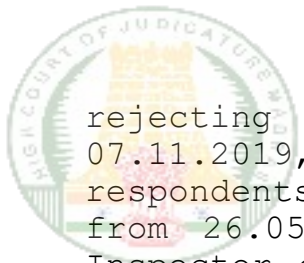
Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to consider the representation of the petitioner dated 09.11.2020 and to give effect in so far as the present promotion order as per the proceedings of the 2nd respondent No.2020/1010/NGB 5(1)/P-14/2020 dated 06.10.2020 from 26.05.2009 when the petitioner's juniors were promoted to the post of Inspector of Police.

For Petitioner : Mr.M.Thirunavukkarasu,
for Mr.C.M.Arumugam
For Respondents : Mr.K.Selvaganesan
Government Advocate.

ORDER

The petitioner has filed this Writ Petition, seeking a direction to the respondents to consider the representation of the petitioner dated 09.11.2020 and to give effect insofar as the present promotion order, as per the proceedings of the 2nd respondent, in No.2020/1010/NGB 5(1)/P-14/2020, dated 06.10.2020, from 26.05.2009, when the petitioner's juniors were promoted to the post of Inspector of Police.

2.According to the petitioner, he is presently working as Inspector of Police at Dindigul Town North Police Station, Dindigul. While he was working as Sub-Inspector of Police in Trichy Railway Police Station, disciplinary proceedings was initiated in the year 2009 and punishment was imposed in the year 2017. The petitioner's request for promotion was rejected by Endorsement in Rc.No.208528/NGB-I(1)/2009, dated 11.07.2017. The petitioner filed W.P.(MD)No.9967 of 2017, challenging the punishment imposed and also filed W.P.(MD)No.15402 of 2017, challenging the endorsement



rejecting his promotion. This Court, by common order dated 07.11.2019, allowed both the Writ Petitions and directed the respondents to consider the petitioner for promotion with effect from 26.05.2009, when his juniors were promoted to the post of Inspector of Police. The respondents did not comply with the said order. Therefore, the petitioner filed Cont.P.(MD)Nos.241 and 248 of 2021. When the Contempt Petitions were taken up for hearing on 22.02.2021, the learned Special Government Pleader submitted that the petitioner was promoted by order dated 06.10.2020. Recording the same, the Contempt Petitions were closed. According to the petitioner, he was promoted along with others in the year 2020-2021, in general promotion and he was not promoted with effect from 26.05.2009, as directed by this Court, by the common order dated 07.11.2019. Hence, the petitioner gave representation to promote him with effect from 26.05.2009. Since the same was not considered, the petitioner has come out with the present Writ Petition.

3.Heard the learned counsel appearing for the petitioner, the learned Government Advocate appearing for the respondents and perused the materials available on record carefully.

4.From the materials available on record, it is seen that this Court by common order dated 07.11.2019, quashed the punishment imposed on the petitioner and also the endorsement rejecting promotion of the petitioner. In the common order dated 07.11.2019, this Court has given a specific direction to consider the petitioner for promotion with effect from 26.05.2009, when his juniors were promoted. The respondents did not comply with the said order and in the Contempt Petitions filed by the petitioner, the respondents have submitted that petitioner was promoted in the year 2020. A reading of the proceedings dated 06.10.2020, promoting the petitioner to the post of Inspector of Police, shows that the petitioner was promoted during 2020-2021, as routine course along with others and not in compliance of the common order of this Court dated 07.11.2019. The respondents failed to comply the order of this Court dated 07.11.2019, wherein this Court has directed the respondents to consider the petitioner for promotion with effect from 26.05.2009, when his juniors were promoted. The failure on the part of the respondents to promote the petitioner with effect from 26.05.2009, as directed by this Court amounts to deliberate disobedience of the order of this Court. In the promotion order dated 06.10.2020 also, the respondents have not given any reason for not promoting the petitioner with effect from 26.05.2009.

5.In view of the earlier order of this Court dated 07.11.2019, which has become final, the respondents are directed to consider the representation of the petitioner dated 09.11.2020 and give effect to the promotion order with effect from 26.05.2009 as per the earlier order of this Court and fix the petitioner in appropriate place in the post of Inspector of Police when his juniors were promoted,

<https://www.hcscs.madras.gov.in/hcscs/index.php>



this order.

6.With the above directions, this Writ Petition is allowed. No costs.

WEB COPY

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Note:

In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate / litigant concerned.

To

1.The Principal Secretary,
Home(Police II Department)
Fort St.George,
Chennai-600 009.

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

+1 CC to M/s.The Special Government Pleader (SR-24033[F] dated 27/07/2021)

W.P(MD)No.8470 of 2021

26.07.2021

RS (26.08.2021) 3P 4C