



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.21407 of 2016

K.Palanisamy

... Petitioner

Vs.

The Superintendent of Police,
Karur District,
Karur.

... Respondent

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the respondent herein to disburse the arrears of salary in the scale of 9300-34800 PB2+ Grade Pay Rs.4800/- for the period between February 2011 and May 2016 when the petitioner was working as Special Sub Inspector of Police consequently direct the respondent to disburse the entire retirement benefits, within a time frame fixed by this Court.

For Petitioner : Mrs.S.Prabha
for Mr.S.Gokul Raj

For Respondent : Mr.D.Muruganantham
Additional Government Pleader

O R D E R

This writ petition has been filed for a direction to the respondent to disburse the arrears of salary in the scale of 9300-34800 PB2+ Grade Pay Rs.4800/- for the period between February 2011 and May 2016 and consequently direct the respondent to disburse the entire retirement benefits to the petitioner.

2. The case of the petitioner is that initially he was appointed as Grade - II Police Constable on 17.01.1986 and subsequently, he was promoted as Head Constable on 17.01.2001. Thereafter, the petitioner was promoted as Special Sub Inspector of Police, on 01.02.2011. However, he was paid only the old pay scale of Head Constable. Hence, the petitioner has made a representation to the respondent on 23.03.2015. But the respondent has not considered the same. Therefore, the petitioner has filed a petition in W.P.No.5631 of 2015 before this Court and this Court, by order dated 15.04.2015, directed the respondent to consider the



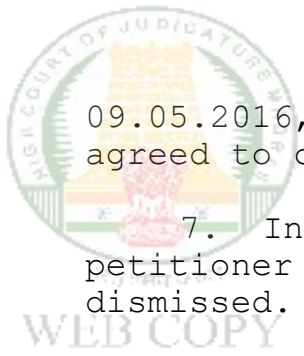
petitioner's representation, dated 23.03.2015, within a period of two months from the date of receipt of the order. However, the respondent has not passed any order to disburse the arrears of salary and on 02.05.2016, the respondent has issued a show cause notice, calling upon the petitioner to show cause as to why the promotion given to him on 01.02.2011 should not be cancelled, on the ground that he was mistakenly promoted, during the currency of punishment imposed on him in a departmental proceedings. The petitioner has submitted his explanation to the respondent on 09.05.2016. In the mean while, the petitioner attained the age of superannuation on 30.06.2016 and by the proceedings of the respondent, dated 29.06.2016, he was permitted to be relieved from duty on 30.06.2016. However, till date the respondent has not disbursed the retirement benefits to the petitioner. Hence, the petitioner has filed the present writ petition with the aforesaid prayer.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the respondent to consider the petitioner's representation dated 23.03.2015, within a reasonable time as fixed by this Court.

4. Per contra, the learned Additional Government Pleader appearing for the respondent would submit that the show cause notice was issued against the petitioner on the ground that the petitioner was awarded with the punishment of reduction in the rank by one stage for three years to be spent on duty in PR.No.29/2003 u/r. 3(b) by the Superintendent of Police, Karur District, on 02.04.2004 and the same was acknowledged to the petitioner on 08.04.2004 and he was also awarded with another punishment of rank reduction from the rank of Grade -I Police Constable to Grade - II Police Constable for three years to be spent on duty and to run concurrently with present punishment awarded in P.R.No.29/2003 by the Superintendent of Police, Karur on 28.05.2004 and the same was acknowledged to the petitioner on 14.06.2004. He would further submit that on 09.05.2016, the petitioner had given an explanation stating that he was not aware of the currency of punishment which was pending during the time of promotion as Special Sub Inspector of Police and also categorically admitted that he had no objection to cancel the promotion. Hence, the writ petition filed by the petitioner is misconceived and prayed for dismissal.

5. Heard the learned counsel for the petitioner, learned Additional Government Pleader appearing for the respondent and perused the materials available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner claimed that he was granted promotion to the post of Special Sub Inspector of Police. However, it appears that a show cause notice was issued on 02.05.2016, for cancelling the promotion. Hence, the writ petition filed by the petitioner is misconceived and prayed for dismissal.



09.05.2016, wherein, the petitioner has admitted the guilt and agreed to cancel the promotion.

7. In view of the above, the prayer sought for by the petitioner cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

To

The Superintendent of Police,
Karur District,
Karur.

+1 CC to M/s.S.GOKULRAJ, Advocate (SR-7922[F] dated 01/03/2021)

+1 CC to M/s.SPL GP (SR-7852[F] dated 01/03/2021)

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