



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.03.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.4837 of 2022

K.Suresh

... Petitioner

vs.

1.The Commissioner of Police,
Greater Chennai Police,
Veppery,
Chennai - 15.

2.The Deputy Commissioner of Police,
Chennai Traffic East,
Anna Salai,
Chennai - 02.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus, to direct the respondents to consider the petitioner representation dated 27.09.2021 and consequently revise and to step up the salary and to pay the withheld increments with arrears and to grant the proportionate emoluments and other services and monetary benefits within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents: Mr.P.Balathandayutham
Special Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to consider the petitioner's representation dated 27.09.2021 and consequently revise the salary and to pay the withheld increments with arrears and monetary benefits.

2. The case of the petitioner in brief:

The petitioner was appointed as a Grade-II Police Constable in the year 2022 by Tamil Nadu Uniform Service Recruitment Board. Now, he is working as Head Constable. While he was working as a Constable, departmental action was initiated



against him and a punishment of Postponement of increment for a period of one year with cumulative effect was imposed on petitioner.

2.1. Against the above punishment, instead of preferring appeal before the second respondent, the petitioner wrongly preferred the petition before the Director General of Police, Chennai and the same has been treated as mercy petition u/r 15A of the TNPSS (D&A) Rules and the 2nd respondent rejected the petition by confirming the order passed by the authorities. Then the petitioner made a petition before the Government on 03.04.2019. The Government had modified the punishment into one of "Black Mark". Further, in the order, it was clearly stated that the order will take effect from date of original punishment order, as per Fundamental Rule 29A (b) vide G.O.(D) 1105 Home (Police VI0 Department dated 24.09.2020. Therefore, petitioner is entitled for all the consequential service and monetary benefits and his pay has to be revised on par with his juniors by restoring the increment. The petitioner made a representation on 27.09.2021, requesting to revise his salary and to pay withheld increments with arrears. But it was not considered. Hence, this petition.

3. The learned Special Additional Government Pleader submitted that, the representation of the petitioner will be considered by the authorities concerned and appropriate orders will be passed, in accordance with law, within a time frame as fixed by this court.

4. Inview of the above submissions and also considering the limited scope of prayer, without expressing any opinion on merits, this court is inclined to pass orders.

5. Accordingly, it is ordered as follows:

i) The second respondent is directed to consider the representation of the petitioner dated 27.09.2021, and pass orders on its own merits, in accordance with law, within a period of twelve weeks from the date of receipt of a copy of this order.

6. With the above direction, the writ petition stands disposed of. No costs.

Sd/-
Deputy Registrar

//True Copy//

Sub Assistant Registrar

ata/mst



To

1.The Commissioner of Police,
Greater Chennai Police,
Veppery,
Chennai - 15.

2.The Deputy Commissioner of Police,
Chennai Traffic East,
Anna Salai,
Chennai - 02.

+1cc to Mr.S.Sivakumar, Advocate, S.R.No.14906
+1cc to the Government Pleader, S.R.No.15049

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NRL (CO)
SB(14/03/2022)