



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated 18.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6274 of 2022

A.Akbar Ali

... Petitioner

Vs.

1. The Principal Secretary to Government,
Home Department, Fort St.George,
Chennai - 600 009.

2. The Commissioner of Police,
Coimbatore City,
Coimbatore - 641 018.

... Respondents

Prayer: Writ petition filed under Section 226 of the Constitution of India seeking to issue a writ of Mandamus, directing the respondents to forthwith grant the service benefits to the petitioner by up grading to the post as Special Sub-Inspector of Police, re-fixation of pay, grant of increment and consequently re-fix the retirement benefits payable to the petitioner including pension, gratuity, leave salary and all other emoluments along with all arrears entitled by the petitioner.

For Petitioner : Mr.P.Saravana Sowmiyan

For Respondents : Mr.S.Prabhakaran
Government Advocate

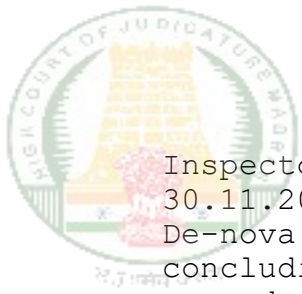
ORDER

By consent of both parties, this Writ Petition is taken up for final disposal at the admission stage itself.

2. This writ petition has been filed seeking to issue a Writ of Mandamus directing the respondents to forthwith grant the service benefits to the petitioner by up grading to the post as Special Sub-Inspector of Police along with all arrears.

3. The case of the petitioner in brief:

The petitioner joined the service as Grade-II Police Constable on 14.08.1974 and he was promoted upto Special Sub



Inspector of police and he attained superannuation on 30.11.2012. While he was in service, charge memo was issued and De-nova enquiry conducted and the Enquiry Officer filed report, concluding that the charges against the petitioner were not proved. After enquiry report, the second respondent imposed the punishment of black mark. But, the Government had initiated suo motu revision and by order dated 17.04.2009, enhanced the punishment of black mark to stoppage of one increment with cumulative effect. Challenging the above said order, the petitioner filed W.P.No.11861 of 2010 and this court by order dated 22.12.2020, has allowed the writ petition and held that the petitioner is entitled for consequential service and monetary benefits. Based on the above order, the petitioner made a representation on 02.02.2021 to grant up-gradation as Special Sub Inspector of Police with effect from 14.08.1999 and to release the withheld increment from 01.07.2009 with all monetary benefits. But the respondents have kept it idle, without any progress. Hence this writ petition.

4. The learned Government Advocate appearing for the respondents submitted that, the representation of the petitioner will be considered by the authorities concerned and orders will be passed on its own merits and in accordance with law.

5. In view of the above submissions, without expressing any opinion on merits, this court is inclined to pass the following order.

i) The respondents are directed to consider the representation of the petitioner, dated 02.02.2022 and pass orders on its own merits and 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 directions, the writ petition stands disposed of at the admission stage itself. No costs.

Sd/-
Assistant Registrar(CS IX)

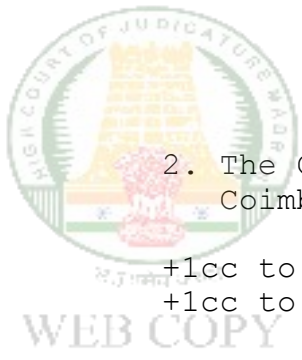
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Sub Assistant Registrar

mst

To

1. The Principal Secretary,
Home Department, Fort St. George,
Chennai - 600 009.



2. The Commissioner of Police,
Coimbatore City, Coimbatore - 641 018.

+1cc to Mr.P.Saravana Sowmiyan, Advocate, S.R.No.18634
+1cc to the Special Government Pleader, S.R.No.18819

W.P.No.6274 of 2022

SKM(CO)
CT 05/04/2022