

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 25.03.2022

CORAM:

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.No.6895 of 2022
and
W.M.P.No.6942 of 2022

A.D.Mohanraj

... Petitioner

Vs.

The Additional Chief Secretary
to Government,
Home (Police IA) Department,
Fort St.George, Chennai - 9.

... Respondent

Prayer: Writ petition filed under Section 226 of the Constitution of India, seeking to issue a Writ of Mandamus, directing the respondent to consider the claim of the petitioner for promotion as Additional Superintendent of Police, Cat-I for the year 2021 by including his name in the ensuring panel, in the light of the representation made by him on 05.01.2022 and 09.02.2022 within a reasonable time framed fixed by this Court.

For Petitioner : Mr.K.Venkataramani
Senior Counsel for M/s.M.Muthappan

For Respondent : Mrs.S.Anitha
Special Government Pleader

ORDER

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

2. The case of the petitioner in brief:

The petitioner herein was initially appointed as Sub-Inspector of Police through direct recruitment conducted by the Director General of Police and subsequently, he was promoted as Inspector of Police and Deputy Superintendent of Police. Now, the petitioner is eligible for promotion to the post of Additional Superintendent of Police Cat-I for the panel year 2018-2019. The crucial date is 01.06.2018. But, the name of the petitioner was not included in the aforesaid panel for the

reason that the petitioner was faced disciplinary proceedings in PR No.26 of 2017 and therefore the petitioner's name was deferred for the panel years 2018-2019 and 2020-2021 for the reason that the charge memo has been framed against the petitioner under Rule 17(b) of the TNCS (D&A) Rules. Due to the pendency of the aforesaid charge memo, punishment was inflicted on the petitioner by imposing the punishment of reduction of pay for two stages for six months without cumulative effect by orders of the Government in GO (2D) No.228, Home (Police II) Department dated 29.09.2020. The aforesaid punishment was implemented on 01.10.2020 and ended on 31.03.2021 and there is no currency of punishment thereafter. The petitioner's name was deferred for the three successive panels i.e., 2018-2019, 2019-2020, 2020-2021. The panel for the year 2020-2021 was published on 26.06.2021 and admittedly on the crucial date i.e., 01.06.2020, no charges have been pending against the petitioner. Therefore, he made representations to the respondent on 05.01.2022 and 09.02.2022, to include the petitioner's name in the panel for the year 2021-2022 as on 01.06.2021. But, the said representations are still pending and no order has been passed. Hence, the petitioner filed this writ petition before this Court.

3. The learned Special Government Pleader appearing for the respondent would submit that if any such representation of the petitioner was received by the respondent, the same will be considered on merits and in accordance with law.

4. In view of the above submission and also considering the limited scope of prayer, without expressing any opinion on merits, this Court is inclined to direct the respondent to consider the petitioner's representation dated 09.02.2022 and pass orders on its own merits and in accordance with law, as expeditiously as possible, within a period of eight weeks from the date of receipt of a copy of this order.

5. With the above direction, this writ petition stands disposed of. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

ATA/UMA

To

The Additional Chief Secretary
Home (Police IA) Department,
Fort St.George,
Chennai - 9.

+1cc to M/s.M.Muthappan, Advocate, S.R.No.20469
+1cc to the Special Government Pleader, S.R.No.20640

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RP(CO)
TE(29/03/2022)