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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.06.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.12350 of 2022

and

W.M.P.Nos.11790 and 11791 of 2022

M.Kumar

... Petitioner

Vs.

1.The Deputy Inspector of General of Police,
Villupuram Range,
Villupuram District.

2.The Superintendent of Police,
Cuddalore District at Cuddalore.

3.The Deputy Superintendent of Police,
Sethiyathoppu Sub-Division,
Cuddalore District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records from the 2nd respondent dated 25.08.2021 in his proceedings in D.O.No.854/2021, C.No.D1/PR70/2009, which is confirmed by the 1st respondent in his proceedings in C.No.B3/Appeal 47/2021 dated 16.11.2021 and quash the same and consequently promote the petitioner as Grade-I Police Constable from 01.12.2013 and grant further promotion as Head Constable from 01.12.2018, with all monetary benefits and continuity of service.

For Petitioner : Mr.N.Sathish Babu

For Respondents: Mr.T.Chezhiyan
Additional Government Pleader

O R D E R

This writ petition has been filed seeking to issue a Writ of Certiorarified Mandamus, calling for the records from the 2nd respondent dated 25.08.2021 in his proceedings in D.O.No.854/2021, C.No.D1/PR70/2009, which is confirmed by the 1st respondent in his proceedings in C.No.B3/Appeal 47/2021 dated



16.11.2021 and quash the same and consequently, to promote the petitioner as Grade-I Police Constable from 01.12.2013 and grant further promotion as Head Constable from 01.12.2018, with all monetary benefits and continuity of service.

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2. According to the petitioner, the petitioner was selected as Police Constable in Tamil Nadu Uniformed Services Recruitment Examination on 01.12.2003 and he was posted at Tamil Nadu Special Police Battalion at Ulundurpet. Thereafter, he got married with one Vasantha Priya and she committed suicide on 08.01.2009. Thereafter, the 2nd respondent has initiated disciplinary proceedings and also registered a criminal case against the petitioner in Cr.No.24 of 2009 under Section 174 (b) of Criminal Procedure Code altered into Section 498(A) and Section 304(b) of IPC r/w Sections 4 and 6 (2) of Dowry Prohibition Act, 1961. Thereafter, by an order dated 19.02.2010 in S.C.No.289 of 2009, the District and Sessions Judge, Mahila Court, Cuddalore has convicted the petitioner in the above said criminal case and subsequently, he was dismissed from service.

3. Challenging the same, the petitioner has preferred an appeal in Crl.A.No.123 of 2010 before this Court. By the judgment dated 19.07.2017, this Court set aside the judgment passed by the District and Sessions Judge, Mahila Court, Cuddalore and he was acquitted from the said criminal case. Thereafter, the petitioner approached the respondents with a request to reinstate him into service. However, the said request has not been considered and hence, he has filed W.P.No.33586 of 2018 before this Court. This Court by an order dated 20.12.2018 directed the respondents therein to take into account the acquittal of the petitioner vide judgment passed in Crl.A.No.123 of 2010 dated 19.07.2017 and pass appropriate orders.

4. Pursuant to the same, the 2nd respondent has reinstated the petitioner into service. But the 2nd respondent without perusing the judgment passed by this Court in Crl.A.No.123 of 2010 dated 19.07.2017, mechanically imposed the punishment of postponement of increment for a period of three years which shall not operate to postpone his future increments. Therefore, the petitioner is not in a position to get his promotion. Hence, the petitioner made a representation dated 02.01.2022 to the Director General of Police, Chennai, requesting to grant promotion to the post of Head Constable with all monetary benefits. But the same has not been considered. Hence, he has filed the instant writ petition before this Court.

5. The learned Additional Government Pleader appearing for the respondents would submit that if any such representation is still pending before the 1st respondent, would be considered by the 1st respondent.



6. In view of the above submissions of the parties, this Court is inclined to direct the 1st respondent to consider the petitioner's representation dated 02.01.2022 and pass appropriate orders on merits and in accordance with law, as early as possible, within a period of twelve weeks from the date of receipt of a copy of this order. The petitioner is directed to furnish the copy of the representation dated 02.01.2022 along with this order before the 1st respondent.

7. With the above directions, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

dm

To

1.The Deputy Inspector of General of Police,
Villupuram Range,
Villupuram District.

2.The Superintendent of Police,
Cuddalore District at Cuddalore.

3.The Deputy Superintendent of Police,
Sethiyathoppu Sub-Division,
Cuddalore District.

+1cc to Mr.E.Sathiyaraj, Advocate, S.R.No.32288
+1cc to the Government Pleader, S.R.No.33047

W.P.No.12350 of 2022

SSI (CO)
SB(05/07/2022)