



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 27.04.2022

CORAM:

THE HON'BLE MR. JUSTICE D.KRISHNAKUMAR

W.P.No.11014 of 2022
and
W.M.P.No.10597 of 2022

K.Kannan

...Petitioner

vs.

1. The State of Tamil Nadu,
Rep. by its Additional Chief Secretary
to Government, Home Department,
Secretariat, Fort St.George, Chennai - 600 009.
2. The Director General of Police,
O/o the Director General of Police
and Head of Police Force,
Mylapore, Chennai - 600 004.
3. The Superintendent of Police,
Special Division, Special Branch CID,
Chennai - 600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the order passed by him in Rc.No.1859864/GB 7(3)/2021 dated 31.03.2022, quash the same and further direct the respondents to consider the claim of the petitioner for promotion to the post of Superintendent of Police (Non-Cadre) on par with his juniors Mr.M.Thillai Natarajan and M.Chandrasekaran and promote the petitioner as such and grant him all consequential service and monetary benefits.

For Petitioner : Mr.R.Singaravelan
Senior Counsel
For I.Saddam Hussain

For Respondents : Mr.M.Bindran
Additional Government Pleader



O R D E R

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

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2. This writ petition has been filed seeking to issue a Writ of Certiorari of Mandamus, quashing the impugned order passed by the 2nd respondent dated 31.03.2022 and consequently direct the respondents to consider the claim of the petitioner for promotion to the post of Superintendent of Police (Non-Cadre) on par with his juniors Mr.M.Thillai Natarajan and M.Chandrasekaran and grant him all consequential service and monetary benefits.

3. The case of the petitioner in brief:

The petitioner herein was initially appointed as Sub Inspector of Police through direct recruitment and he was promoted as Inspector of Police and then, Deputy Superintendent of Police and Additional Superintendent of Police in the third respondent department. The petitioner was issued with a charge memo under Rule 17(b) of the Tamil Nadu Civil Services (Discipline and Appeal) Rules, 1955, and enquiry was conducted and the enquiry officer submitted the enquiry report. However, after a delay of four years, punishment was imposed stopping increment for two years with cumulative effect vide G.O.(2D) No.133 Home (Police-2) Department dated 26.04.2018. Therefore, the petitioner filed a writ petition in W.P.No.23644/2018 and this court vide order dated 28.08.2019, has set aside the above G.O.(2D)133 dated 26.4.2018. The Appeal filed by the Government also dismissed by a Division Bench of this court in W.A.No.23/2021

3.1. Thereafter, the petitioner was promoted as Deputy Superintendent of Police vide order dated 07.04.2021 and then promoted as Additional Superintendent of Police vide order dated 05.06.2021. Now, the petitioner came to know that his juniors one M.Thillai Natarajan and one M.Chandrasekaran were granted accelerated promotion and were promoted to the post of Superintendent of Police for the panel year drawn for the year 2020-2021. Therefore, the petitioner made a representation to the 1st and 2nd respondents, seeking accelerated promotion and to promote him to the post of Superintendent of Police (Non-Cadre). The claim of the petitioner was rejected by the second respondent vide impugned order dated 31.03.2022, stating that none of the junior persons were not promoted as Superintendent of Police. Hence, he filed this instant writ petition before this Court.

4. The learned Additional Government Pleader submitted that the Government is the competent authority to pass orders on the representation given by the petitioner and the said representation is still pending before the first respondent. Therefore, appropriate orders will be passed independently by the first respondent on the representation of the petitioner.



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He further submitted that, pursuant to the impugned order passed by the Director General of Police, the second respondent herein, the petitioner can make a fresh representation before the 1st respondent and the same will be considered and appropriate orders will be passed, in accordance with law.

5. The specific case of the petitioner is that he is entitled for accelerated promotion, as per the Government Order, which was not considered properly by the 2nd respondent. Further, the 1st respondent is the competent authority to consider the representation of the petitioner and to take appropriate decision in the light of the Government order. Therefore, considering facts and circumstances of the case and also taking into account the submissions made by the learned senior counsel appearing for the petitioner as well as the learned Additional Government Pleader, this Court is inclined to pass the following order.

i) The petitioner is directed to make a fresh representation before the first respondent as against the impugned order passed by the second respondent, within a period of one week from the date of receipt of the said representation.

ii) On such representation being made by the petitioner, the 1st respondent is directed to consider the same and to pass orders on its own merits and in accordance with law, as early as possible, within a period of four weeks from the date of receipt of the representation.

6. With the above direction, the writ petition stands disposed of. No costs. Consequently, connected writ miscellaneous petition is closed.

Sd/-

Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

mst/ata

To

1. The Additional Chief Secretary
Home Department,
Secretariat, Fort St. George,
Chennai - 600 009.



2.The Director General of Police,
O/o the Director General of Police and Head of Police Force,
Mylapore, Chennai - 600 004.

3.The Superintendent of Police,
Special Division, Special Branch CID,
Chennai - 600 004.

+1cc to Government Pleader SR. No.29691

+1cc to Mr.I.Saddam Hussain, Advocate SR. No. 29067

W.P.No.11014 of 2022

NK (CO)

PR (29/04/2022)