



WEB COPY



WP No.3771 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.3771 of 2016

And

WMP No.3128 of 2016

D.Rajkumar

..

Petitioner

VS.

1.The Director General of Police,
Office of the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

2.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Home (Police-2) Department,
Fort St. George,
Chennai-600 009.

..

Respondents

Writ Petition is filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus, calling for the



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records in Home (Police-2) Department Police Note No.1 dated 13.01.2016 on the file of the second respondent and quash the same as exfacie illegal, arbitrary and against the law and thereby direct the respondents to forthwith promote the petitioner as Deputy Superintendent of Police (Category-I) for the year 2014-2015 by including the petitioner name in the list of promotion and posting for the Inspector of Police and grant him all consequence service monetary benefit on par with his juniors.

For Petitioner : No Appearance

For Respondents : Mr.S.Rajesh,
Government Advocate.

ORDER

When the matter was listed for hearing on 10.11.2022, none appeared on behalf of the petitioner. Thus, this Court passed an order, directing the Registry to list the matter on 14.11.2022 under the caption “For Dismissal”.

2. When the matter was called on 14.11.2022, there was also no representation on behalf of the petitioner. In order to give one more opportunity, this Court once again passed an order, directing the Registry to list this matter under the caption “For Dismissal” on 16.11.2022.



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3. When the matter is taken up for hearing today i.e., on 18.11.2022, none appeared for the petitioner. Thus, this Court is inclined to pass the following orders.

4. The grievance of the writ petitioner is that his name was not included in the panel for promotion to the post of Deputy Superintendent of Police for the year 2014-2015.

5. The learned Government Advocate, appearing on behalf of the respondents brought to the notice of this Court that the name of the writ petitioner was deferred on account of the fact that the departmental disciplinary proceedings were pending during the relevant point of time.

6. Thus the petitioner is not eligible for retrospective promotion. It is further brought to the notice of this Court that the writ petitioner is under suspension from 15.04.2016 onwards and now the petitioner had reached the age of superannuation.



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7. In view of the fact that the petitioner was facing departmental disciplinary proceedings during the relevant point of time that the panel was prepared for the year 2014-2015, he is not eligible for promotion to the post of Deputy Superintendent of Police.

8. Thus, there is no infirmity in respect of the order impugned passed by the respondents. However, if the petitioner is exonerated from all the allegations, then there is no impediment and the petitioner is at liberty to approach the Competent Authorities in the manner known to law.

9. With the abovesaid liberty, the writ petition stands dismissed. However, there shall be no order as to costs. Consequently, the connected miscellaneous petition is also dismissed.

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Index : Yes/No.

Internet : Yes/No.

Speaking Order/Non-Speaking Order.



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To

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S.M.SUBRAMANIAM, J.

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