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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.06.2022

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.8522 of 2014

R.Subburayalu

... Petitioner

Vs.

1. The Principal Secretary to Government,  
Home (Police -2) Department,  
Secretariat, Chennai - 600 009.

2. The Director General of Police,  
Tamil Nadu, Chennai - 600 004.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records pertaining to the order of the first respondent herein passed in G.O.(D) No.59, Home (Police) Department dated 23.01.2014 rejecting the petitioner's request for promotion as Deputy Superintendent of Police (Cat-1) as on 06.07.2012 and quash the same and consequently direct the respondents herein to promote the petitioner as Deputy Superintendent of Police (Cat-1) in Police Note No.9, Home (Pol.2) Department dated 06.07.2012 with effect from the date of promotion of immediate junior i.e. 6.7.2012 with all consequential service and monetary benefits.

For Petitioner : Mr.Ravi Shanmugam

For Respondents : Mr.L.S.M.Hasan Fizal  
Additional Government Pleader  
for R1 and R2

ORDER

The writ on hand has been instituted questioning of the validity of the order passed by the Government in G.O.(D).No.59 by Home (Police-2) Department dated 23.01.2014 rejecting the claim of the writ petitioner for promotion to the post of Deputy Superintendent of Police on par with his juniors.

2. The petitioner was appointed as Sub-Inspector of Police on 25.09.1978 and promoted to the post of Inspector of



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Police on 28.06.1998. The petitioner states that he is eligible for further promotion for the post of Deputy Superintendent of Police (Category-I) by way of transfer with reference under rule 10(a)(i) of the General Rules of Tamil Nadu State and Subordinate Service Rules. The said temporary panel for appointment was published in Police note No.9 during 06.07.2012.

3. The learned counsel for the writ petitioner contended that the said panel was not published with reference to the particular year and it was temporary panel for appointment. Admittedly, the petitioner was imposed with two punishments and the currency of the punishment was from 01.01.2010 till 31.12.2010 and 01.01.2011 to 31.12.2011. Thus, the currency of the punishment even as per the respondent was expired on 01.01.2012. In view of the fact temporary panel published on 06.07.2012 beyond the expiry of the currency on 01.01.2012, the name of the petitioner ought to have been included in the panel as their juniors were included.

4. The learned Additional Government Pleader appearing on behalf of the respondents objected the said contentions by stating that beyond the currency of punishment, which expired as on the date of publication of the temporary panel the petitioner was facing a charge in Rule 3(b) of Tamil Nadu Police Subordinate (Disciplinary and Appeal) Rules. Therefore, the currency of punishment and the pending charges are to be considered for inclusion of the name of the petitioner in the panel, it was continuous and though the panel year was not mentioned, the merit assessment and the punishment of the 3(b) charges were considered by the department and accordingly, the name of the writ petitioner was not included.

5. The petitioner himself includes a copy of the charge memo issued to him in proceedings dated 27.10.2011. Thus, the currency of punishment expired on 01.01.2012, in respect of two punishment imposed on the writ petitioner. Thereafter, in proceedings dated 27.10.2012 another charge memo was issued under 3(b) of the Tamil Nadu Police Subordinates (Disciplinary and Appeal) Rules, 1955. When the writ petitioner suffered two punishments till 01.01.2012 and thereafter, issued with a charge memo in proceedings dated 27.11.2012 and crucial date being 01.06.2011 for the particular year.

6. This Court is of the considered opinion that the case of the writ petitioner was rightly not considered during the relevant point of time and the post of Deputy Superintendent of Police being a State cadre assessment is to be made scrupulously with reference to the service records of the officials concerned. In the present case the over all facts and circumstances reveals that the petitioner had suffered two



punishments and thereafter was facing charge of 3(b) of the Tamil Nadu Police Subordinates (Disciplinary and Appeal) Rules, 1955.

7. This being the factum, this Court is of the considered opinion that the petitioner has not established any acceptable ground for the purpose of grant of relief.

8. Accordingly, the Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

Jeni/Ab

To

1. The Principal Secretary to Government,  
Home (Police -2) Department,  
Secretariat, Chennai - 600 009.
2. The Director General of Police,  
Tamil Nadu, Chennai - 600 004.

+1cc to the Government Pleader, S.R.No.34500

W.P.No.8522 of 2014

NK(CO)  
UMA(23/06/2022)