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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.04.2022

CORAM

THE HONOURABLE MR.JUSTICE D.KRISHNAKUMAR

W.P.NO.16644 OF 2020

G.Chandrasekar

... Petitioner

.Vs.

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

... Respondent

PRAYER:-

Writ Petition filed under Article 226 of the Constitution of India, for the issuance of a writ of mandamus, directing the respondent to promote the petitioner to the post of Head Constable with effect from 01.03.2017 on the basis of his representation dated 18.03.2020 submitted to the respondent with all consequential monetary and other benefits.

For Petitioner : Mr.K.Sathiyavel

For Respondent : Mrs.S.Anitha
Special Government Pleader

ORDER

The writ petition is filed for the issuance of a writ of mandamus, directing the respondent to promote the petitioner to the post of Head Constable with effect from 01.03.2017 on the basis of his representation dated 18.03.2020 submitted to the respondent with all consequential monetary and other benefits.

2. The writ petitioner was appointed as Grade-II Police Constable on 01.03.2002. Thereafter, on completion of ten years of service, he was upgraded as Grade - I Police Constable on 01.03.2012. After completion of five years of service, he was eligible to be upgraded to the post of Head Constable with effect from 01.03.2017.



3. According to the petitioner, the crucial date was fixed as 01.03.2017. When the promotion panel was drawn by the respondent for the post of Head Constable for the year, 2017, the petitioner was not considered for upgradation to the post of Head Constable.

4. According to the petitioner, as on the crucial date i.e. 01.03.2017, neither charges were framed against the petitioner nor disciplinary proceedings was pending against the petitioner. Therefore, denying the promotion is contrary to the Rules.

5. According to the petitioner, subsequently, on 10.04.2017 charges have been framed by the respondent under Section 3 (b) of the Tamil Nadu Police Subordinate Services (Discipline & Appeal) rule and on 06.12.2017, disciplinary proceeding was concluded and penalty was imposed of postponement of increment for the period of two years without cumulative effect to the petitioner. Even after the completion of the disciplinary proceedings and imposition of penalty, the petitioner was not upgraded to the post of Head Constable with effect from 01.03.2017, however by order dated 14.06.2019, he was upgraded to the post of Head Constable with effect from 01.01.2019. Therefore, the petitioner filed the writ petition seeking promotion with effect from 01.03.2017.

6. The learned Government Pleader appearing for the respondent submitted that pursuant to the punishment order imposed by the respondent, the petitioner's name has been considered for the promotion to the post of Head Constable for the year 2019 and he was promoted as Head Constable.

7. Considering the said fact that the respondent has not chosen to consider the petitioner's representation dated 18.03.2020 with regard to the promotion panel drawn for the year 2017 and in view of the fact that as on the crucial date i.e. 01.03.2017, there were no charges pending against the petitioner, this court directs the respondent to consider the petitioner's representation dated 18.03.2020, in accordance with law, as expeditiously as possible, within a period of 12 weeks from the date of receipt of a copy of this order.

8. With the above directions, the writ petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar



mrn

To

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

+lcc to Mr.M.Gnanasekar, Advocate, S.R.No.26712

+lcc to the Government Pleader, S.R.No.26954

W.P.NO.16644 OF 2020

JP-II (CO)

PBS/20/05/2022