



W.P.No.27106 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.06.2022

CORAM

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.27106 of 2014

Ramesh Kumar,
Grade I Constable 1182
Kanniyur Police Station,
Tiruppur District.

...Petitioner

..Vs..

The Superintendent of Police,
District Police Office,
Tiruppur District.

... Respondent

Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondent to consider the representation of the petitioner dated 08.07.2014 for grant of promotion to the post of Grade - I, Constable with effect from 24.05.2009 instead of 01.03.2011 and consider the petitioner for promotion to the post of head constable with all consequential, monetary and other attendant benefits.

For Petitioner : Mr.N.Umapathi

For Respondent : Mr.L.S.M.Hasan Fizal
Additional Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the representation of the petitioner dated 08.07.2014 for grant of promotion to the Grade I Constable with effect



W.P.No.27106 of 2014

from 24.05.2009 and consider the petitioner for promotion to the post of Head Constable with all consequential benefits.

2. The writ petitioner joined as Grade II Constable and at the time of filing of the writ petition, he was working as Grade I Police Constable. The grievance of the writ petitioner is that he was not promoted to the post of Grade I Police Constable along with his batch mates and in the order of seniority. The learned counsel for the petitioner made a submission that the petitioner was imposed with the punishment of stoppage of increment for one year without cumulative effect. On account of the said punishments, the petitioner was not promoted in the year 2009.

3. The learned counsel for the petitioner states that after implementing the punishments, the case of the writ petitioner was to be considered. However, he was promoted as Grade I Police Constable only on 01.03.2011 and therefore he submitted a representation to grant retrospective promotion.

4. Admittedly, the petitioner was imposed with two punishments during the relevant point of time. The petitioner was not entitled to get promotion during the currency of punishments, after the expiry of the



W.P.No.27106 of 2014

currency and at the time of preparation of further panel, the case of the writ petitioner is to be considered in accordance with the Rules in force.

5. Promotion *per se* cannot be claimed as a matter of right. However, the said promotions are to be granted in accordance with Rules in force. In the present case, the writ petitioner was imposed with two punishments and the petitioner has given a representation to give retrospective promotion. Thus, the relief of retrospective promotion cannot be granted. However, it is made clear that the case of the writ petitioner is to be considered only after the expiry of the punishments and at the time of preparation of next panel of promotion to the post of Grade I Police Constable.

6. The case of the petitioner was considered by the respondents as per his eligibility and the said facts are narrated in paragraph 5 of the counter which is extracted hereunder;

"5.It is submitted that, the petitioner was earned two punishments while he was serving at Trichy District. Hence, on completion of two years of punishment period in both the punishment rolls on 28.02.2011, his increment and pay were regulated and re-promoted w.e.f. 01.03.2011 vide D.O:129/2011 in F3/5368/2011 dated



W.P.No.27106 of 2014

11.03.2011 of the Superintendent of Police, Tiruppur District. After issuance of re-promotion orders he was upgraded as Gr.I PC w.e.f. 01.03.2011 (i.e.,) from the date of re-promotion orders issued. As per petitioner request he is not eligible for up gradation w.e.f 24.05.2009 on par with his batch mates, since he was earned two punishment and the same were under currency at the time when his batch mates were up graded as Gr.I P.C., who are having clean defaulter sheet. Further on his representation dated 07.06.2014 and endorsement was issued to the petitioner vide in C.No.F3/20334/599/2014, dated 24.06.2014 by Superintendent of Police Tiruppur District explaining the fact that he will be up-graded on completion of punishment period and issue of re-promotion order on completion of both punishment imposed to him by the Superintendent of Police, Trichy District."

7. In view of the facts and circumstances, the petitioner has not established any acceptable ground for the purpose of considering the relief. Accordingly, the Writ petition stands dismissed. No costs.

29.06.2022

mrm/psa
Index: Yes/No
Internet: Yes/No
Speaking Order

To

4 / 6



W.P.No.27106 of 2014

WEB COURT
The Superintendent of Police,
District Police Office,
Tiruppur District.



WEB COPY



W.P.No.27106 of 2014

S.M.SUBRAMANIAM., J

mrm/psa

W.P.No.27106 of 2014

29.06.2022