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W.P.No. 24590 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :13.09.2022

CORAM :

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

W.P.No. 24590 of 2022

S.Aruputharasan

..Petitioner

Vs.

1. Director General of Police,
Chennai - 600 004.

2. Superintendent of Police,
District Police Office,
Cuddalore District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India for Writ of Mandamus, to direct the second respondent herein to promote the petitioner as Special Sub-Inspector of Police with effect from 24.02.2017 with all consequential service and monetary benefits within a time frame.

For Petitioner : M/s.Bala and Daisy

For Respondents : Mr.T.K.Saravanan
Government Advocate



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ORDER

The prayer sought for herein is for a writ of mandamus to direct the second respondent herein to promote the petitioner as Special Sub-Inspector of Police with effect from 24.02.2017 with all consequential service and monetary benefits within a time frame.

2. The petitioner was enlisted as Grade II Police Constable on 30.04.1989, thereafter he was promoted as Grade I Police Constable on 28.09.1999 and was working during the year 2005.

3. While that being so, on 08.06.2005 due to the disciplinary action, the petitioner was suspended from service and thereafter, the petitioner had been in suspension from 08.06.2005 to 27.09.2005 and after the completion of the disciplinary proceedings, the petitioner was also removed from service on 27.09.2005.

4. As against the said removal order, the petitioner filed a writ petition before this Court in W.P.No. 4653 of 2006 and the said writ



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petition was ordered by order of this Court in the year 2012, whereby the removal of service of the petitioner having been set aside and it was directed that the petitioner shall be reinstated.

5. While passing the said order, the Court also directed the respondents to reinstate the petitioner without any backwages and further directed not to give effect to annual increments, bonus, if any and any other monetary benefits alike with cumulative effect and also any other service benefits like considering the petitioner's name for promotion etc., for a period of five years. The Court also observed that the suspension period may be counted for fixing seniority and other pensionary benefits.

6. In this context, the five years embargo put in by the orders of this Court from 2012 has come to an end by 2017, therefore, beyond 2017 the petitioner would be entitled to seek for service benefits including the promotion based on the seniority by taking into account of his total service including the period, where the petitioner had been under suspension.



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7. By calculating these services, since the petitioner has already completed 32 years of service, according to him he would be entitled get further promotion to the post of Sub-Inspector of Police. Therefore, in order to get such promotion, the petitioner has given a representation on 24.01.2022 and the said representation since has not been considered, he has approached this Court by filing the present writ petition.

8. Reiterating the aforesaid, M/s.Bala and Daisy, learned counsel appearing for the petitioner has sought for a direction to consider the said representation in accordance with law in view of the earlier order passed by this Court referred therein and pass orders on the said representation on merits and in accordance with law within a time frame that may be stipulated by this Court and in that case, the petitioner would be satisfied.

9. Heard Mr.T.K.Saravanan, learned Government Advocate appearing for the respondents, who would submit that, if the grievance of the petitioner is that, his representation dated 24.01.2022 seeking for promotion to the post of Sub-Inspector of Police is to be considered and



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disposed of on merits within a time frame, that would be considered and disposed of accordingly within a time frame that may be stipulated by this Court.

10. In view of the aforesaid facts and circumstances and having regard to the said submission made by the learned counsel appearing for both sides, especially the learned Government Advocate appearing for the respondents, this Court is inclined to dispose of this writ petition with the following orders:

- ◆ That there shall be a direction to the second respondent to consider the representation of the petitioner dated 24.01.2022 and pass orders thereon on merits and in accordance with law by taking into account the earlier order passed by this Court in W.P.No.4563 of 2006 dated 24.02.2012 and such order disposing the representation shall be communicated to the petitioner within a period of eight(8) weeks from the date of receipt of a copy of this order.



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R.SURESH KUMAR, J.

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With this direction, this writ petition is disposed of. No costs.

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Index : Yes/No

Internet: Yes/No

mp

To

1. Director General of Police,
Chennai - 600 004.
2. Superintendent of Police,
District Police Office,
Cuddalore District.

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