



W.P.No.32000 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 30.11.2022

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THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.No.32000 of 2022

P.A. Appasamy

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. by its Secretary to the Government,
Home Department (Police),
Secretariat,
Chennai – 600 009.

2.The Director General of Police (HOPF),
Chief Office Mylapore,
Chennai – 600 004.

3.The Additional Director General of Police (Admin),
Chief Office Mylapore,
Chennai – 4.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of Writ of Mandamus, directing the respondents more particularly 1st and 2nd respondents to consider the representation of the petitioner dated 11.11.2022 and accordingly grant retrospective promotion to the petitioner to the post of Inspector of Police by including his name during the panel year 1997-1998 (by taking into consideration the cancellation of



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punishment in PR No.55 of 2006 vide proceedings dated 06.12.2021) and consequently grant retrospective promotion to the petitioner to the post of Deputy Superintendent of Police by including his name during the panel year 2009-2010 (by due consideration to the fact that the punishment imposed upon the petitioner was set aside by this Court in WP.No.10910/2008 vide its order dated 31.10.2022) and grant the petitioner with consequential promotion to the post of Additional Superintendent of Police (Category I) by including the name in the panel year 2021-2022 notionally for the purposes of fixation of Salary and pensionary benefits.

For Petitioner : Mr.C. Mahendran

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

ORDER

This Writ Petition has been filed for a mandamus seeking for a direction to the respondents to grant retrospective promotion to the petitioner to the post of Inspector of Police by including his name notionally in the promotion panel for the year 1997-1998.

2. Heard Mr.C. Mahendran, learned counsel for the petitioner. Mr.L.S.M. Hasan Fizal, learned Additional Government Pleader, accepts notice on behalf of the respondents. By consent of both the parties, this Writ Petition is taken up for final disposal at the admission stage itself.



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3. The petitioner claims that due to the disciplinary proceedings initiated against him, he was not included in the promotion panel for the post of Inspector of Police in the year 1997-1998. According to him, the punishment imposed on him vide PR.No.55/1996 was cancelled by the proceedings of the second respondent dated 06.12.2021 in Rc.No.841222/AP.3(2)/2020 and the disciplinary proceedings against him in PR.No.5/2006 was set aside by the order of this Court dated 31.10.2022 in WP.No.10910 of 2008. Since the punishments have been set aside, he seeks for retrospective promotion to the post of Inspector of Police by including his name in the panel year 1997-1998, when his batchmates were promoted. The petitioner has given a representation on 11.11.2022 for the said purpose. Since the representation has not been considered till date, he has filed this Writ Petition.

4. At the outset, the learned Additional Government Pleader appearing for the respondents would submit that the representation of the petitioner seeking for notional promotion for the panel year 1997-1998 has to be rejected on the ground of laches.



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5. However, the learned counsel for the petitioner would submit that only due to the pendency of the disciplinary proceedings against the petitioner, the petitioner was not promoted in the panel year 1997-1998. He would also submit that only recently the punishment imposed on the petitioner was cancelled by the second respondent on 06.12.2021 and the other punishment was set aside by the order of this Court dated 31.10.2022 passed in WP.No.10910 of 2008.

6. No prejudice will be caused to the respondents if the petitioner's representation as stated supra, is considered on merits and in accordance with law, within a time frame to be fixed by this Court.

7. For the foregoing reasons, this Court directs the first and second respondents to pass final orders on merits and in accordance with law on the petitioner's representation dated 11.11.2022, seeking for inclusion of his name notionally to the post of Inspector of Police for the panel year 1997-1998, within a period of twelve (12) weeks from the date of receipt of a copy of this order.



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8. Accordingly, the Writ Petition stands disposed of. No costs.

30.11.2022

Speaking/Non-speaking order

Index: Yes/No

Internet: Yes/No

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Note: Issue Order Copy on 01.12.2022

To

- 1.The Secretary to the Government of Tamil Nadu,
Home Department (Police),
Secretariat,
Chennai – 600 009.
- 2.The Director General of Police (HOPF),
Chief Office Mylapore,
Chennai – 600 004.
- 3.The Additional Director General of Police (Admin),
Chief Office Mylapore,
Chennai – 4.



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ABDUL QUDDHOSE,J.

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