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W.P. No. 26725 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 12.07.2022

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THE HON'BLE MR. JUSTICE P.D. AUDIKESAVALU

W.P. No. 26725 of 2017

P. Balakrishnan

... Petitioner

-VS-

1. Director General of Police,
Law & Order,
Chennai – 600 004.

2. The Deputy Inspector General of Police,
District Police Office,
Cuddalore District.

Respondents

...

Prayer:- Writ Petition filed under Article 226 of the Constitution of India, 1950, praying to issue a Writ of Mandamus, directing the First Respondent herein to consider and pass orders on the representation of the Petitioner dated 13.06.2017, regarding re-fixation of seniority in the post of Head Constable and to depute the Petitioner for Sub-Inspector of Police training, within a time frame as deem fit and proper by this Court.

For Petitioner : Ms. Daisy for M/s. G.Bala and Daisy

For Respondents : Mr. V.Jeevagiridharan,
Additional Government Pleader



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ORDER

Heard Ms. Daisy, Learned Counsel for the Petitioner and Mr. V. Jeevagiridharan, Learned Additional Government Pleader appearing for the Respondents and perused the materials placed on record, apart from the pleadings of the parties.

2. The Writ Petition has been filed for directing the First Respondent herein to consider and pass orders on the representation dated 13.06.2017 made the Petitioner regarding re-fixation of seniority in the post of Head Constable and to depute him for Sub-Inspector of Police training within the time limit that may be fixed by the Court.

3. The Second Respondent has filed report dated 08.07.2022 in which it has been states as follows:-

“3. I submit that the Petitioner Thiru. P.Balakrishnan was imposed with the punishment of “Postponement of increment for one year with cumulative effect” in South Arcot District PR 115/1994 under Rule 3(b) of TNPSS (D&A) Rules, 1955 on 21.03.1997 for the following delinquency.



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“Highly indisciplinary conduct and highhanded action in having entered in wordy altercation with Tr.Rudrapandian, Sub Inspector of Police and in having abused PC 581 Kaliamoorthy and slapped him at Sethiathope Police Station on 28.01.1994 morning.”

4. *Hence his increment due on 01.07.1997 was postponed. On his memorial petition to the Government, the above punishment had been modified into that of “Postponement of increment for a period of one year without cumulative effect” by the Government in G.O.(D) No. 86, Home (Police V) Department dated 20.01.2021. However, the punishment has not implemented any changes.*

5. *I submit that during this, the Petitioner was also imposed with another punishment of “Reduction in time scale of pay by two stages for two years without cumulative effect” by the Deputy Inspector General of Police, Villupuram Range on 29.04.1998 in Viluppuram District PR No. 8 of 1996 under Rule 3(b)*



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(Viluppuram Range Office C. No. B2/PR 13/1998) of Tamil Nadu

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for the following delinquency.

“Reprehensible conduct and unbecoming of a member of Police Force in having been a party to torture of one Angamuthu S/o. Kora Pavadai of Chinnamampet Village on the night of 21.01.1993 and in screening the real occurrence at the Police Station, cause of death and fabricating it to be death due to suicide in Station Look Up Latrine while in Police Custody. ”

6. Hence, his pay was reduced from Rs. 3,350/- to Rs. 3,200/- on 20.08.1998 and this had effect till 20.08.2000. His memorial petition was rejected by the Government vide Government Letter No. 5213/L&O-D/2018-3, dated 09.01.2020 (Copy is enclosed).

7. I submit that when the revised upgradation as Head Constable with effect from 25.07.2000 was implemented to his batchmates, but he could not be upgraded along with them due



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to the currency of punishment for the period from 20.08.1998 to 20.08.2000. On the expiry of punishment on 20.08.2000, his upgradation as Head Constable was advanced from 22.07.2002 to 25.07.2001 as per existing rules. On completion of 10 years of service as Head Constable with total service of 25 years, he was upgraded as Special Sub-Inspector of Police with effect from 01.08.2011.

8. *I submit at this stage, the Police Personnel who were upgraded as head Constable upto 01.01.2001 as per seniority were considered for promotion as Sub-Inspector of Police (Local) for the year 2016. Later they were sent for training. But, the Petitioner's upgradation as Head Constable is revised as on 25.07.2001 on expiry of punishment. Hence, his name could not be considered for inclusion in the promotion Sub-Inspector of Police (Local) for the year 2016.*

9. *I submit that the punishment awarded in South Arcot District PR. 115 of 1994 under Rule 3(b) and another*



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punishment awarded in Villupuram District PR.8 of 1996 under Rule 3(b) were concluded as on 01.07.1998 and 20.08.2000 respectively.

10. I submit that the Petitioner was retired from service on superannuation on 31.07.2018.”

In view of the aforesaid action taken on the representation made by the Petitioner, nothing remains for further consideration in this Writ Petition, but if the Petitioner still has any grievance to be redressed, he is not precluded from working out his rights before the proper forum in the manner recognized by law.

4. In fine, the Writ Petition is disposed with the aforesaid observations. No costs.

12.07.2022

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Index: Yes/No

Note: Issue order copy by 26.07.2022.

To

1. Director General of Police,
Law & Order,
Chennai – 600 004.



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2. The Deputy Inspector General of Police,
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P.D. AUDIKESAVALU, J.

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