



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.04.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.7535 of 2022

and

W.M.P. (MD) No.5695 of 2022

M.Kannan

... Petitioner

-vs-

1. The Director General of Police,
Post Box No.601, Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2. The Deputy Inspector General of Police,
Madurai Range, Madurai.

3. The Superintendent of Police,
Madurai District, Madurai.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents to include the name of the petitioner in the list of promoted police officers and promote him to the rank of Special Sub-Inspector of Police

For Petitioner : Mr.V.Kannan

For Respondents : Mr.D.Sadiq Raja
Additional Government Pleader

O R D E R

The relief sought for in the present writ petition is to direct the respondents to include the name of the petitioner in the list of eligible persons for promotion to the post of Sub Inspector of Police and accordingly, promote him.

2. The petitioner is now working as Head Constable at H1 Samayanallur Police Station. Departmental disciplinary proceedings were initiated against him and the punishment of postponement of increment for a period of one year, which shall not operate to postpone his future increments, was ordered.

3. The learned counsel for the petitioner made a submission that the period of punishment of one year expired and therefore, the case of the writ petitioner is to be considered for promotion to the post of Sub Inspector of Police.



4. The learned Additional Government Pleader objected the said contention by stating that with reference to Section 7(1) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016, Schedule XI Part-A (II) enumerates consideration of members for inclusion in the approved lists. Sub clause (11) to Schedule XI Part-A (II) reads as under:-

"11. Any punishment (other than 'Censure') imposed on a member of service within a period of five years prior to the crucial date and a punishment of 'Censure' imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list. Any punishment, including 'Censure' imposed on a member of service after the crucial date, but before actual promotion or appointment shall be held against the member of service and he shall not be given promotion or appointment."

5. Pursuant to the above statutory provision, the name of the petitioner is to be considered on expiry of the currency period.

6. The learned Additional Government Pleader reiterated that the currency of period is in force and after expiry of the currency, if the petitioner is otherwise eligible in accordance with the rule, his case will be considered on merits and in accordance with law.

7. In view of the said submission, there is a statutory bar to grant promotion to the writ petitioner, as he suffered punishment of stoppage of increment for one year and consequently, the currency period is contemplated under Schedule XI of the said Act. This being the factum, the case of the petitioner is to be considered after expiry of currency and if he is otherwise eligible for promotion in accordance with rules.

8. With the above observations, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)



To

1. The Director General of Police,
Post Box No.601, Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

2. The Deputy Inspector General of Police,
Madurai Range, Madurai.

3. The Superintendent of Police,
Madurai District, Madurai.

+1 CC to M/s.SPL.GP. (SR-20499[F] dated 22/04/2022)

+1 CC to M/s.V. KANNAN, Advocate (SR-20643[F] dated 22/04/2022)

W.P.(MD) No.7535 of 2022
21.04.2022

RK(09/05/2022) 3P 6C