



W.P.(MD)No.10720 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 23.12.2022

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD)No.10720 of 2020

and

W.M.P.(MD)No.9443, 9445, 11500 & 11504 of 2020

Manimozhi

Vs.

... Petitioner

1. The Secretary to Government,
Department of Home (Police-II)
Saint George Fort,
Chennai – 600 009.
2. The Additional Chief Secretary to Government,
Department of Home (Police-II)
Saint George Fort,
Chennai – 600 009.
3. The Director General of Police,
O/o. The Director General of Police,
Mylapore,
Chennai – 600 004.
4. The Superintending of Police,
Thoothukudi District,
Thoothukudi.

... Respondents



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PRAYER : Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, calling for the entire records pertaining to the impugned order passed by the 2nd respondent vide proceedings in G.O.M.S.No.236, dated 17.06.2020 and quash the same insofar as non inclusion of the petitioners name and consequently direct the respondents to include the petitioner's name temporary panel list of Inspector of Police fit for appointment by recruitment by transfer as Deputy Superintendent of Police (Category - I) for the panel year 2019 – 2020 within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.M.Paramasivam

For Respondents : Mrs.K.Christy Theboral,
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent, dated 17.06.2020 and to quash the same insofar as non-inclusion of the petitioner's name and consequently direct the respondents to include the petitioner's name in temporary panel list of Inspector of Police fit for appointment by recruitment, by transfer as Deputy Superintendent of Police (Category - I) for the panel year 2019 – 2020.



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2. The case of the petitioner is that he joined as Sub Inspector of Police in the year 1997 and he got promotion as Inspector of Police. While he was in service, he had undergone pre-promotional training about four weeks from 18.11.2019 to 14.12.2019 and the higher officials imposed some minor punishments against the petitioner and the same were completed. He belonged to 1997 Inspector Batch and he was in 16th place in his batch seniority. However, the respondents have not granted promotion to the petitioner in the earlier two rounds. In the circumstances, the second respondent has published the third promotion temporary panel list of Inspector of Police fit for appointment by recruitment, by transfer as Deputy Superintendent of Police (Category I) for the panel year 2019 -2020, vide impugned proceedings in G.O.(Ms).No.236, dated 17.06.2020. Challenging the same, the present writ petition has been filed.

3. The learned counsel appearing for the petitioner would submit that though the petitioner is fit for promotion to the post of Deputy Superintendent of Police (Category I) for the panel year 2019 -2020, his



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name was not included in the promotion panel list, on the ground that the petitioner was suffered by currency of punishment. Now, the punishment itself set aside by the competent authority vide orders dated 24.12.2021 and 09.06.2022 and as on date, there is no punishment against the petitioner and hence, the petitioner is entitled to be considered for the year 2019 - 2020 itself.

4. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents.

5. In view of the fact that the punishment imposed by the original authority was subsequently set aside by the competent authority on 24.12.2021 and 09.06.2022, this Court grants liberty to the petitioner to make appropriate representation to the Director General of Police, D.G.P.Office, Mylapore, Chennai, the third respondent herein, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the said representation, the Director General of Police is directed to consider the same and pass appropriate orders on merits and in



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accordance with law, within a period of four weeks thereafter.

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6. With the above directions, this Writ Petition is disposed of. No costs. Consequently, the connected Miscellaneous Petitions are closed.

23.12.2022

Index : Yes / No

Speaking Order : Yes / No

akv



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M.DHANDAPANI,J.

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