



W.P.(MD)No.10868 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.10868 of 2020

and

W.M.P.(MD)No.9551 of 2020

P.Paulraj

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by it's Principal Secretary,
Home Department,
Secretariat,
Chennai - 600 009.
2. The Director General of Police,
O/o. The Director General of Police,
Tamil Nadu,
Chennai – 600 004.
3. The Additional Director General of Police,
O/o. The Director General of Police,
Administration,
Chennai – 600 004.
4. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.



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5. The Deputy Commissioner of Police (Law & Order),
Tirunelveli City,
Tirunelveli.

6. The Assistant Commissioner of Police and Enquiry Officer,
Prohibition Enforcement,
Tirunelveli City,
Tirunelveli.

... Respondents

PRAYER : Petition is filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the respondents to promote the petitioner notionally to the post of Sub Inspector of police on par with his junior in conformity with order dated 21.04.2016 of this Court made in W.P.(MD)No.8041 of 2008 and consequently direct the respondents to disburse all consequential and monetary benefits.

For Petitioner : Mr.N.Mohammed Zamil
for M/s. Ajmal Associates

For Respondents : Mr.S.P.Maharajan
Special Government Pleader

ORDER

This writ petition has been filed for issuance of a writ of Mandamus, directing the respondents to promote the petitioner notionally to the post of Sub Inspector of police on par with his junior in conformity with



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order dated 21.04.2016 of this Court made in W.P.(MD)No.8041 of 2008 and consequently direct the respondents to disburse all consequential and monetary benefits.

2. The case of the petitioner is that he was initially appointed as Grade - II Police in the year 1986 and he was promoted as Head Constable in the year 2000. Now, he was working as Sub Inspect of Police (Armed Reserve), Palayamkottai, Tirunelveli District. While so, a charge memo has been issued against the petitioner. In response to the charge memo, he submitted his explanation. Not satisfying with his explanation, an enquiry officer was appointed and he submitted his report. On completion of the disciplinary proceedings, the fifth respondent imposed a punishment of reduction in scale of pay for three stages for a period of three years without cumulative effect. Against which, the petitioner has preferred an appeal before the fourth respondent and the fourth respondent, after considering his appeal, modified the punishment as reduction in scale of pay for three stages for a period of three years without cumulative effect. Challenging the said punishment, the petitioner has filed a review petition and the same was



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rejected by the second respondent. Aggrieved by the same, the petitioner has filed a writ petition in W.P.(MD).No.8041 of 2008 before this Court. By order dated 21.04.2016, this Court has allowed the writ petition and quashed the entire punishment. Consequently, further action was dropped vide order dated 22.07.2016 by the third respondent. On account of pendency of charge memo, the name of the petitioner was not considered for promotion to the post of Sub Inspector of Police. However, his juniors were promoted. Hence, the petitioner has made a representation dated 26.07.2017, to the respondents. But the same was not considered. Therefore, the petitioner has sent another representation dated 13.09.2017, for which also no action was taken. Hence, the petitioner has filed the present writ petition.

3. The learned counsel appearing for the petitioner would submit that this Court may issue a direction to the Commissioner of Police, Tirunelveli City, Tirunelveli, the fourth respondent herein to consider the petitioner's representation and pass appropriate orders.



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

5. Considering the limited request made by the learned counsel for the petitioner, this Court, without going into the merits of the matter, directs the fourth respondent to consider the petitioner's representation dated 13.09.2017 and pass appropriate orders, on merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

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

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Index : Yes / No
Speaking Order : Yes / No
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To

1. The Principal Secretary,
Government of Tamil Nadu,
Home Department,
Secretariat,
Chennai - 600 009.
2. The Director General of Police,
O/o. The Director General of Police,
Tamil Nadu,
Chennai – 600 004.
3. The Additional Director General of Police,
O/o. The Director General of Police,
Administration,
Chennai – 600 004.
4. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
5. The Deputy Commissioner of Police (Law & Order),
Tirunelveli City,
Tirunelveli.
6. The Assistant Commissioner of Police and Enquiry Officer,
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M.DHANDAPANI,J.

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