



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2022

CORAM:

THE HONOURABLE **MR.JUSTICE S.M.SUBRAMANIAM**

W.P.(MD)No.14569 of 2019

&

WMP(MD)No.11022 of 2019

WEB COPY

K.Pothi

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Public (Law and Order-E) Department,
Secretariat,
Chennai-600 009.

2. The Director General of Police of Tamil Nadu,
Law and Order,
Mylapore,
Chennai-600 004.

3. The Deputy Inspector General of Police,
Madurai Range,
Madurai-625 002.

4. The Superintendent of Police,
District Police Office,
Virudhunagar District,
Virudhunagar.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to consider the petitioner's representation dated 22/06/2019 and include the name of the petitioner in the "C" List of SSIs / HCs (local) fit for promotion as Sub Inspectors of Police (Local) for the year 2019 and grant promotion to the petitioner as Sub Inspector of Police at present pending disposal of final order by the 1st respondent in P.R.No.39/2015 of Virudhunagar District and to grant all the service, monetary and other attended benefits.

For Petitioner

: Mr.S.Sukumar

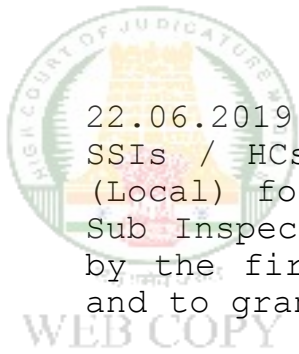
For Respondents

: Mr.A.K.Manikkam

Special Government Pleader

ORDER

The relief sought for in the present writ petition is to direct the respondents to consider the petitioner's representation dated
<https://hcservices.ecourts.gov.in/hcservices/>



22.06.2019 and include the name of the petitioner in "C" List of SSIs / HCs (local) fit for promotion as Sub Inspectors of Police (Local) for the year 2019 and grant promotion to the petitioner as Sub Inspector of Police at present pending disposal of final order by the first respondent in P.R.No.39/2015 of Virudhunagar District and to grant all the service, monetary and other attended benefits.

2.The petitioner was enrolled as Grade-II Constable on 22.03.1985 subsequently, he was promoted as Grade-I Constable in the year 1995 and he was promoted as Head Constable from 01.01.2001. He was upgraded to Special Sub-Inspector of police on 01.01.2011 and he is working as such. A criminal case was registered against the writ petitioner in FIR No.1070 of 2009 under Sections 341 and 307 IPC. It is the case of the custodial death. Departmental disciplinary proceedings were also initiated against the writ petitioner, which was ended with an order of punishment of postponed of increment for one year with cumulative effect. During the relevant point of time, the case of the writ petitioner was not considered for promotion to the post of regular Sub-Inspector of Police, as he was facing both the criminal proceedings and the department disciplinary proceedings. Therefore, the case of the writ petitioner was not considered for grant of promotion during the year 2019.

3.If at all the petitioner is fully exonerated from all the allegations, the petitioner is at liberty to approach the competent authority for grant of promotion in accordance with the rules in force. However, the relief as such sought for to consider the representation for grant of promotion for the year 2019 cannot be granted, as the petitioner was facing departmental disciplinary proceedings, which was ended with an order or punishment only. If the punishments are set aside and the petitioner is fully exonerated from the departmental disciplinary proceedings and the criminal case, he is at liberty to approach the competent authority for redressal of his grievance.

4.With these clarifications, this writ petition is disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P & A)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

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To

1. The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Public (Law and Order-E) Department,
Secretariat,
Chennai-600 009.
2. The Director General of Police of Tamil Nadu,
Law and Order,
Mylapore,
Chennai-600 004.
3. The Deputy Inspector General of Police,
Madurai Range,
Madurai-625 002.
4. The Superintendent of Police,
District Police Office,
Virudhunagar District,
Virudhunagar.

+1 CC to M/s.SPL.GP (SR-17165[F] dated 07/04/2022)

W.P. (MD) No.14569 of 2019

&
WMP (MD) No.11022 of 2019
06.04.2022

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