



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 16.02.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.8015 of 2019

and

W.M.P. (MD) Nos.6321 & 6322 of 2019

M.Duraipandi

... Petitioner

-VS-

1. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
2. The Inspector General of Police,
South Zone, Madurai.
3. The Deputy Inspector General of Police,
Madurai Range, Madurai.
4. The Deputy Inspector General of Police,
Dindigul Range, Dindigul.
5. The Superintendent of Police,
Madurai District, Madurai.
6. The Superintendent of Police,
Dindigul District, Dindigul.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records pertaining to the Impugned Order in Na.Ka.No.F3/16718/128/2018 dated 04.06.2018 passed by the Respondent No.5 and quash the same as illegal and consequently direct the Respondents to revise the petitioner's salary and promote him as Head Constable and provide 10 month salary from 16.10.2013 to 22.07.2014.



For Petitioner : Mr.R.Venkatesan

For Respondents : Mr.A.K.Manikkam,
Special Government Pleader

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ORDER

The order dated 04.06.2018 passed by the Superintendent of Police, Madurai District, is under challenge in the present writ petition.

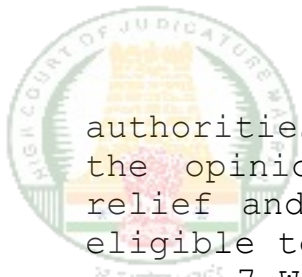
2.The petitioner is working as Second Grade Constable at Thandikudi Police Station. He joined services on 01.03.2002 and issued with a Charge Memorandum under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955. Punishment order was issued imposing penalty of postponement of increment for three years with cumulative effect. An appeal was filed and thereafter also Charge Memo were issued on several occasions.

3.At the out set, the order impugned reveals that the petitioner was inflicted with 11 punishments in respect of various Charge Memorandum issued under the said Rules. The writ petitioner submitted representation for grant of increments. The said representation was considered by the Superintendent of Police, Madurai, and the order impugned dated 04.06.2018 was passed categorically stating that the petitioner suffered 11 punishments and therefore, he would be eligible for next increment only in the year 2026.

4.When the petitioner suffered 11 punishments for the proved misconduct, his increments are to be calculated based on the implemented punishment. It is categorically stated even in the impugned order that on expiry of period of punishment, the sanction of increment is to be considered. Even such an increment would be subject to further proceedings, if any, instituted. Therefore, the petitioner is not entitled for increment otherwise and in fact, his increments were not granted in view of the implementation of 11 punishments and the currency of punishment is running to 24 years.

5.This Court is unable to understand as to how a person who is working as a Second Grade Constable has suffered 11 punishments during his service.

6.The learned Special Government Pleader states that even on one occasion, the petitioner was declared as deserter and subsequently, his case was re-considered by the competent



authorities. This being the factum established, this Court is of the opinion that the writ petitioner is not entitled for any relief and his increments would be considered as and when he is eligible to draw increments with reference to the rules in force.

7. With the above clarification, this Writ Petition stands dismissed. However, there shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (ADI)

// True Copy //

//2022

Sub Assistant Registrar(CS-)

abr
To

1. The Director General of Police,
Office of the Director General of Police,
Beach Road, Chennai.
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5. The Superintendent of Police,
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6. The Superintendent of Police,
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+1 CC to M/s.SPL GP (SR-6839[F] dated 17/02/2022)

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SP/02/03/2022/3P/8C