



W.P(MD)No.22012 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.11.2022

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P(MD)No.22012 of 2022

K.S.Ravinchandran

... Petitioner

Vs.

1.The State of Tamil Nadu,
Represented by its Additional Chief Secretary,
Home (Police IV) Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai – 600 004.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to consider the petitioner's representation dated 18.10.2021 and pass orders by including the petitioner in the panel (C-list) of Inspectors (Taluk) fit for promotion as Deputy Superintendent of Police for the year 2008-2009 in the C list of Deputy Superintendent of Police (Cat.I) fit for promotion as Additional Superintendent of Police (Cat I) for the year 2014-15 and include the petitioner in the C list of Additional Superintendent of Police (Cat I) fit for promotion as



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Superintendent of Police (Cat I) for the year 2019-20 and accord the petitioner's promotion on par with the petitioner's juniors with attendant monetary viz., service, retirement and other concomitant benefits within a specific time frame as fixed by this Court.

For Petitioner : Ms.W.Pamlin

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

ORDER

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

2.The petitioner was working as Inspector of Police during the year 2008-2009. He could not be included in the promotion panel for the post of Deputy Superintendent of Police for the year 2008-2009 since disciplinary action was pending against him. The said disciplinary proceedings were dropped vide G.O.(D)No.1117 Home (Pol.IV) Department dated 01.09.2017. The details are as follows:-



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S.No.	Impediments pending at the time of DSP Panel Year 2008-2009	Present stage of the Impediments
1.	PR No.120/1999 u/r 3(b) is pending	Further action dropped by the Government vide G.O.(2D) No. 474, Home (Pol.2) Dept., dated 21.08.2013
2.	PR No.319/2003 u/r 3(b) Stoppage of increment for two years without cumulative effect awarded by DIG, Madurai Range on 27.07.2005.	The Government in G.O.(D) No.1117, Home (Pol.IV) Dept., dated 01.09.2017 have set aside the punishment.

Subsequently, the petitioner got promotion as Deputy Superintendent of Police and then as Additional Superintendent of Police and he retired on 31.05.2022. The specific stand of the petitioner is that on account of dropping of the disciplinary action, he should have been included in the promotion panel for the post of Deputy Superintendent of Police for the year 2008-2009 itself and that he should have included in the promotion panel for the post of Additional Superintendent of Police for the year 2014-2015. The petitioner made a representation in this regard and fortunately, for the petitioner, his request was accepted and the Director General of Police, Tamilnadu, Chennai has sent a formal proposal vide Rc.No.2519331/GB-2(2)/2022, dated 29.06.2022. Paragraph 11 of the communication sent by the second respondent to the first respondent reads as follows:-

“11. I request the Government to include the name of Thiru.K.S.Ravichandran, in the temporary panel of Inspectors



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of Police (Taluk) fit for appointment by recruitment by transfer as Deputy Superintendent of Police (Category-1) for the year 2008-2009 at Sl.No.31(B) between immediate senior Thiru.K.Marimuthu at Sl.No.31(A) and immediate junior Thiru.C.Spurgeon Rajanroy at Sl.No.32, approved in G.O.(Ms) No.504, Home (Pol.2) Dept., dated 29.06.2009. Further his immediate junior Thiru.C.Spurgeon Rajanroy, has officiated as DSP on 16.07.2009 and hence he is eligible for notional fixation of his pay as DSP with effect from that date as per ruling 17 under FR 27.”

3.The first respondent is directed to issue proceedings accepting the aforesaid proposal within a period of eight weeks from the date of receipt of a copy of this order.

4.The second respondent is directed to consider the petitioner's request for promotion to the post of Additional Superintendent of Police by inclusion of the petitioner's name in the promotion panel for the year 2014-2015 and placement at the appropriate place. If the petitioner's case is found to be in order, the second respondent shall prepare a proposal within a period of four weeks from the date of receipt of a copy of this order and forward the same to the first respondent. The first respondent is thereupon issue appropriate proceedings within a period of eight weeks after receipts.



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5.The writ petition is allowed accordingly. No costs.

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Index : Yes / No
Internet : Yes/ No
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To:-

1.The Additional Chief Secretary,
Home (Police IV) Department,
Secretariat, Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu, Mylapore,
Chennai – 600 004.



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G.R.SWAMINATHAN, J.

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