



W.P.No.15913 of 2011

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.12.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.15913 of 2011
and M.P.No.1 of 2011

K.Murugadoss

...Petitioner

vs.

1.The Deputy Inspector General of Police,
Trichy Zone, Trichy.

2.The Superintendent of Police,
Perambalur District.

... Respondents

PRAYER:-Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records connected with the proceedings issued in Na.Ka.No.A1/27342/2010 dated 17.05.2011 passed by the 2nd respondent in so far as the petitioner is concerned and quash the same and consequently direct the respondents to promote the petitioner as Special Sub Inspector of Police and pass such other orders.

For Petitioner : Mr.S.Ilamvaludhi

For respondents : Mr.S.Ravi Chandran
Additional Government Pleader



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ORDER

This Writ petition has been filed seeking to quash the proceedings issued by the 2nd respondent dated 17.05.2011 and consequently, direct the respondents to promote the petitioner as Special Sub-Inspector of Police.

2. Heard Mr.S.Ilamvaludhi, learned counsel for the petitioner and Mr.S.Ravi Chandran, learned Additional Government Pleader appearing on behalf of the respondents.

3. Mr.S.Ilamvaludhi, learned counsel for the petitioner would submit that the petitioner had joined in the service as Police Constable and thereafter, was promoted as Head Constable in which post he was continuing. He would further submit that he was working as a Station Writer in Karambakudi Police Station, certain explosive materials have been seized and a criminal case was registered in Cr.No.239 of 2009 under provisions of Indian Explosive Act, 1984. While that being so, during summer, the explosive substance in the police station had accidentally got activated due to the heat and there was an unfortunate incident that had occurred. Holding



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the petitioner liable, he was issued with a charge memo and after enquiry, the petitioner was inflicted with the punishment of reduction to the lower rank in the seniority. He would submit that the petitioner was eligible to be promoted as a Sepcial Sub-Inspector of Police as on 01.08.2010. Considering the fact that the similarly placed persons who were enlisted along with the petitioner on 01.08.1984 have been given promotion as Special Sub-Inspector of Police, the petitioner had made a representation in this regard to the 2nd respondent. The 2nd respondent by his proceedings dated 17.05.2011 had denied the request of the petitioner by putting the order of punishment that had been imposed upon the petitioner on 25.05.2010 as being in currency.

4. He would contend that the impugned order is wholly without application of mind. He would contend that the punishment that had been imposed upon the petitioner was a reduction in the rank of seniority and he have been placed in the last. In such case, there could be no currency of punishment in such nature of punishment. He would further submit that if the said punishment was for a particular period then it could be termed as a



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punishment which is in currency. He would submit that the post of Special Sub-Inspector is given to a person in uniformed service when he had completed 25 years of service and therefore, he would be entitled for such promotion. He would further submit that pursuant to the order impugned, the petitioner has also made a representation to the 2nd respondent indicating the same and the same has also not been disposed of. Therefore, he would seek interference of this Court in setting aside the order impugned and to direct the respondents to promote the petitioner.

5. On the contrary, Mr.S.Ravi Chandran, learned Additional Government Pleader appearing on behalf of the respondents would contend that the petitioner had been inflicted with the punishment only in the month of May 2010 and therefore, the petitioner would not be entitled to be promoted as a Special Sub-Inspector as per the Rules provided that if there is a currency of punishment of any individual who is to be upgraded as a Special Sub-Inspector, then till the currency of the punishment such upgradation should be deferred. He would further submit that the punishment inflicted upon against the petitioner had not been appealed by



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the petitioner which would only show that the petitioner had accepted the order of punishment which would impliedly mean that he has also accepted the delinquency and therefore, he would pray before this Court to dismiss this Writ Petition.

6. I have considered the rival submissions made by the learned counsels appearing on either side and perused the materials available on record before this Court.

7. Admittedly, the petitioner had been appointed in the year 1984 as a Police Constable and thereafter, he had been upgraded as Grade-I Police Constable and further as a Head Constable. The Department had taken a policy decision to upgrade the persons holding the post of the Head Constable and who had put in 25 years of service in the Department from the date of initial appointment without any currency of punishment to be upgraded as a Special Sub-Inspector. The said decision had been taken considering the fact that many of the persons who had appointed to the services as a Police Constable do not reach the seniority for a regular



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promotion to the post of Sub-Inspector. In the present case, the petitioner had put in 25 years of service and as per the procedure followed, he is entitled to be upgraded as a Police Constable. But, his request has been rejected on the ground that there has been a currency of punishment. The punishment that had been imposed upon the petitioner was only a reduction of the rank of his seniority and the punishment had already been implemented. Upgradation to the post of Special Sub-Inspector does not require any seniority, but, only completion of 25 years of service from the date of initial appointment and such person should be served as a Head Constable for a period of 5 years. The 2nd respondent had not considered the case of the petitioner in that perspective but had denied the upgradation holding that there is a currency of punishment. Since, I have already held that in this nature of punishment, once it is implemented, there is no question of currency.

8. In fine, this Writ Petition is allowed. The order impugned in this Writ Petition is set aside. However, there shall be a direction to the 2nd respondent to consider the request of the petitioner for upgradation to the



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post of Special Sub-Inspector as per the rules. The petitioner is also directed to make a further representation enclosing the copy of this order within a period of two (2) weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of such representation shall consider the same and pass appropriate orders within a period of four (4) weeks thereafter. However, there shall be no order as to costs. Consequently, connected miscellaneous petition is closed.

07.12.2023

gba

Index : Yes/No

Speaking order : Yes/No

Neutral Citation : Yes/No

To

1.The Deputy Inspector General of Police,
Trichy Zone, Trichy.

2.The Superintendent of Police,
Peramballur District.

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K.KUMARESH BABU, J.

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