



WEB COPY



W.P.No.23352 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.08.2023

CORAM :

THE HONOURABLE MR. JUSTICE N. SATHISH KUMAR

W.P.No.23352 of 2023
and
W.M.P.No.22889 of 2023

V.Indumathi

... Petitioner

Vs.

1.The Deputy Inspector General of Police – Railways,
Deputy Inspector General of Police Office,
Ramanathapuram,
Ramanathapuram District.

2.The Commissioner of Police,
Commissioner of Police Office,
Madurai City,
Madurai.

3.The Additional Director General of Police,
Additional Director General of Police Office,
Kamarajar Salai,
Chennai.

4.The Director General of Police,
Director General of Police Office,
Kamarajar Salai,
Chennai.

... Respondents



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Prayer : Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus to quash the impugned order on the file of 2nd respondent in P.R. No. 107/ 2010 , u/r. 3(b) dated 20.02.2021 and consequently, to direct the 3rd and 4th respondent to include the petitioner's name in Inspector Panel.

For Petitioner : Mr.R.S.Jain Le Sadmar

For R1 to R4 : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed challenging the punishment of postponement of increment for a period of one year, imposed on the petitioner.

2.The petitioner is working as Sub-Inspector of Police in the Police Department and on the allegation that she had remained absent for 21 days without applying for any leave or getting prior permission from the authorities, a punishment of “postponement of next increment for a period of one year” was imposed on the petitioner, vide the impugned order, dated 20.02.2021. The grievance of the petitioner is that, because of such a minor punishment, her promotion is being delayed. It is the



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contention of the petitioner that she was unable to attend duty due to her illness and she had also sent her Medical Certificate through registered post at the relevant point of time. However, the impugned order has been passed without considering the Medical Certificate sent by the petitioner, and therefore, the same is not sustainable in the eye of law. Further, it is the contention of the petitioner that the Government have taken a policy decision to drop all the minor punishments awarded to Police personnel, so that they would get their promotion. In this regard, a Memorandum in Rc.No.001140/A.P.IV(1)/2021, dated 22.09.2021, has also been issued by the office of the Director General of Police. Hence, the writ petition.

3.Heard the learned counsel for the petitioner and Mr.S.Rajesh, learned Government Advocate, who takes notice for the respondents.

4.On a careful perusal of the Memorandum dated 22.09.2021, it is seen that the same indicates that the Hon'ble Chief Minister, on the floor of the Assembly on 13.09.2021, has announced that the pending minor punishments will be dropped so that the Police personnel awarded with minor punishments would get promotion and other benefits. It is submitted by the learned counsel for the petitioner that, in a similar case, a



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minor punishment has been set aside by the Director General of Police, vide his order in Rc.No.E-1262572/AP.1(2)/2022, dated 09.02.2023. It is seen that the petitioner has also submitted her representation for cancellation of the punishment, on 03.02.2023.

5.Since the representation is also stated to be pending before the Director General of Police, there shall be a direction to the 4th respondent/Director General of Police to consider the case of the petitioner, having regard to the fact the Medical Certificate had also been despatched at the relevant point of time when the petitioner was absent from duty, and also in the light of the Memoranda referred above in Rc.No.001140/A.P.IV(1)/2021, dated 22.09.2021, and Rc.No.E-1262572/AP.1(2)/2022, dated 09.02.2023, and pass appropriate orders, within a period of one month 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, connected miscellaneous petition is closed.

10.08.2023

mkn



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Internet : Yes

Index : Yes / No

Neutral citation : Yes / No

Speaking order / Nonspeaking order

To

- 1.The Director General of Police,
Director General of Police Office,
Kamarajar Salai,
Chennai.
- 2.The Additional Director General of Police,
Additional Director General of Police Office,
Kamarajar Salai,
Chennai.
- 3.The Deputy Inspector General of Police – Railways,
Deputy Inspector General of Police Office,
Ramanathapuram,
Ramanathapuram District.
- 4.The Commissioner of Police,
Commissioner of Police Office,
Madurai City,
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N. SATHISH KUMAR, J.
mkn

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