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W.P.No.17832 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.07.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.No.17832 of 2024

A.R.Mohan

... Petitioner

Vs

1. The Principal Secretary to Government,
Home Department,
Fort St.George,
Chennai – 600 009.

2. The Director General of Police,
Law & Order,
Chennai.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to consider and pass orders on merits and in accordance with law on the petitioner's representation dated 13.05.2024 regarding grant of notional promotion to the post of Additional Superintendent of Police on par with his batch-mates, on account of quashing of the suspension order, charge memo and consequential treatment of the period of out of employment as duty for all purposes, within a time frame.



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3. In pursuant to the registration of the First Information Report, the petitioner was arrested and remanded to judicial custody and subsequently, he was released on bail. After completion of investigation, the final report was filed and the same has been taken cognizance in C.C. No. 09 of 2006 on the file of the Chief Judicial Magistrate, Trichy. Thereafter, it was transferred to file of the Special Court for Vigilance and Anti-Corruption in S.C. No. 13 of 2011. Thereafter, he deemed to be suspension from service on 06.07.2005. Thereafter, the criminal case was ended in acquittal. Subsequently, this Court by order dated 10.12.2018 in W.P. No. 30644 of 2018 directed the respondents therein permitted the petitioner to retire from service with all consequential benefits. In fact as against the said order, the respondents preferred an appeal in W.A. No. 190 of 2020 and the same was dismissed by order dated 15.03.2023. In pursuant to the order of acquittal passed by the criminal Court, the charge memo was quashed by this Court in W.P. No. 31756 of 2019.

4. In view of the direction issued by this Court, the petitioner was permitted to retire from service on reaching the date of superannuation on



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31.05.2018. Insofar as the suspension period is concerned, the second respondent treated the period of suspension from 06.07.2005 to 31.05.2018 as duty for all purpose. Therefore, now the petitioner sought for notional promotion to the post of Additional Superintendent of Police on par with his batch-mates.

5. In view of the above, this Courts directs the respondents to consider the case of the petitioner for notional promotion to the post of Additional Superintendent of Police on par with his batch-mates and accordingly, revise his pension and other attended benefits, within a period of twelve weeks from the date of receipt of a copy of this order.

6. In the result, this Writ Petition is allowed to the extent indicated above. No costs.

08.07.2024

Index: Yes/No
Neutral Citation/Yes/No
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To
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G.K.ILANTHIRAIYAN, J.

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