



W.P.No.27514 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED : 05.04.2024**

CORAM :

**THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR**

**W.P.No.27514 of 2017**  
**and**  
**W.M.P.No.29410 of 2017**

K.Kumaravel

... Petitioner

Vs.

1.The Principal Secretary to Government,  
Home (Police-II) Department,  
Fort St.George,  
Chennai – 9.

2.The Director General of Police,  
Dr.Radhakrishnan Salai,  
Mylapore, Chennai – 4.

...Respondents

**Prayer:** Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus to call for the records of the 1<sup>st</sup> respondent dated 10.05.2017 in G.O.D.No.577 and quash the same and direct the 1<sup>st</sup> respondent to revert the petitioner to the post of Deputy Superintendent of Police with effect from the date of the petitioner's promotion on 06.07.2012 till the date of his retirement on 31.03.2017.



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For Petitioner : Mr.R.Krishna Prasad  
For Respondents : Mr.M.Murali  
Government Advocate

**ORDER**

The petitioner herein while working as Inspector of Police at Avanakurichi Police Station in Karur District was involved in a criminal case in C.C.No.5 of 2024 on the file of the Court of Chief Judicial Magistrate, Karur and the said criminal case ended convicting the petitioner and imposing imprisonment for one month and to pay fine.

2. Aggrieved by the same, the petitioner filed a Criminal Appeal (MD).No.59 of 2014 and the defacto complainant filed Criminal Appeal (MD).No.43 of 2008. During the pendency of the said appeal, the case of the petitioner was considered for promotion to the post of Deputy Superintendent of Police (Category – I). Thereafter, the respondents having realized that the petitioner was involved in a criminal case, issued a Government order terminating the temporary appointment of the petitioner as Deputy Superintendent of Police by issuing a Government Order in G.O.Ms.No.79 Home (Police 2) Department, dated 20.01.2017. Thereafter, the criminal appeal filed by the petitioner herein and the



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defacto complainant noted above, came to be disposed of by an order dated 21.02.2017. The appeal filed by the defacto complainant was withdrawn and the appeal filed by the petitioner herein was compromised. In the said order Madurai Bench of this Court made an observation that this Court is of the opinion that there is no need to proceed with any departmental action if any initiated against the appellant (petitioner herein).

3. Taking advantage of the said observations made in the order, while disposing of the criminal appeal, the petitioner made a claim for re-promotion to the post of Deputy Superintendent of Police. But the same was not considered by the respondents. Under those circumstances, the petitioner approached this Court by filing W.P.No.6343 of 2017 and this Court by an order, dated 21.03.2017 directed consideration of the case of the petitioner for re-promotion. Pursuant to the said order, the respondents have considered the case of the petitioner for re-promotion and passed the impugned order rejecting the claim of the petitioner on the ground that there is a punishment operating against the petitioner. Relevant Paragraph from the order issued by the Government Order reads as under:-

*10.The Government have carefully examined the  
petition dated 07.04.2017 submitted by*



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*Thiru.K.Kumaravelu as per the order dated 21.03.2017 of High Court of Madras. Accordingly, the request of the petitioner seeking re-promotion to the post of Deputy Superintendent of Police is rejected, since he is not eligible for re-promotion in view of the currency of the punishment of "Censure" imposed in PR No.21 of 2017 under rule 3(a) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules on 14.03.2017.*

4. Aggrieved by the same, as communicated through a letter dated 17.05.2017, the petitioner approached this Court by filing the present writ petition. The reason for refusing to grant re-promotion to the petitioner is that the petitioner is undergoing punishment and hence the case of the petitioner cannot be considered for promotion. But surprisingly there is no averment in the entire affidavit filed in respect of this writ petition, disputing the said factual reason mentioned in the impugned order.

5. The respondents filed counter affidavit and in the absence of any contention on the part of the petitioner, disputing the currency of punishment i.e, the ground that which the impugned order came to be passed, the counter is silent on that aspect.

6. The petitioner has already attained the age of superannuation and



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retired from service. The entire basis for petitioner to claim for re-promotion is only certain observations said to have been made, while disposing the criminal appeal. The above said observations are only the view expressed by learned Single Judge of this Court, while disposing of the criminal appeals. But, the disciplinary proceedings pending against the petitioner should continue or not is not the subject matter of the said criminal appeal. But it is only in view of the contention raised by the learned counsel for the petitioner, who was the appellant therein to quash the departmental proceedings, the learned judge has made certain observations. The appeal filed against the petitioner herein ended in compromise with the defacto complainant. Therefore the question for consideration of case of the petitioner for promotion baring upon the said observations does not arise.

7. In the light of the above observations, this Court does not find any merits in the present writ petition.

8. Accordingly, this writ petition stands dismissed. No costs. Consequently, the connected writ miscellaneous petition is closed.



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Index : Yes/No  
Speaking Order : Yes/No  
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To:

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- 2.The Director General of Police,  
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**MUMMINENI SUDHEER KUMAR,J.**

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