



W.P.No.36774 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 10.12.2024

CORAM:

THE HONOURABLE MRS. JUSTICE V.BHAVANI SUBBAROYAN

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R. Vivekanandan

...Petitioner

Vs

1. The Secretary to Government,
Home (Police III) Department,
Fort St George, Chennai 9.

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

3. The Additional Director General of Police,
Armed Police, Kilpauk,
Chennai 600 010.

4. The Additional Director General of Police
Law & Order
Dr.Radhakrishnan Salai,
Mylapore, Chennai 4

5. The Deputy Inspector General of Police,
Armed Police, Kilpauk,
Chennai 10.

6. The Commandant,
TSP IV Battalion, Kovaipudur, Coimbatore District.

...Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner for promotion as Deputy Commandant (Category-III) based on the seniority at par with his juniors and promote him as such and grant him all consequential service and monetary benefits in the light of the representation made by him dated 11.03.2024 and 25.10.2024 in pursuance of the exoneration order issued by the 4th respondent in his Proc.RC No.3461087/AP.3(1)/2022 dated 09.01.2024 and pass orders.

For Petitioner : Mr. Venkataramani,
Senior Advocate
For Respondent : Mr. Yogesh Kannadasan
Special Government Pleader

ORDER

By consent of learned counsel on either side, this writ petition is taken up for final disposal at the stage of admission itself.

2. This petition is filed seeking to issue a Writ of Mandamus directing the respondents to consider the claim of the petitioner for promotion as Deputy Commandant (Category-III) based on the seniority at par with his juniors and promote him as such and grant him all consequential service and monetary benefits in the light of the



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representation made by him dated 11.03.2024 and 25.10.2024 in pursuance of the exoneration order issued by the 4th respondent in his Proc.RC No.3461087/AP.3(1)/2022 dated 09.01.2024 and pass orders.

3. The facts of the case is that the petitioner who is a Sub Inspector of Police, TSP IV Battalion Kovaipudur formerly Cadet No.72, TNPA, Oonamanchery, Chennai was dealt with a charge under Section 3 (b) of TNPSS (D&A) Rules, 1955 in PR No.09/2005 for giving false information in his report dated 25.05.2000, that he was unmarried at the time of joining service, but the fact remains that he had already married Tmt. Ramalakshmi @ Buma on 08.03.1998. The other charge is that he married one Tmt.Shobana on 03.09.2000 while undergoing training at Temporary Police Training College, Coimbatore when the first marriage was in subsistence. Thereafter, enquiry was conducted and the petitioner was exonerated from the charges vide order dated 09.01.2024 in RC No.3461087/AP.3(1)/2022. The sum and substance of the case is that as the petitioner was exonerated from the charges initiated against him he is entitled for promotion on par with his juniors as Inspector of Police, Assistant Commandant and Deputy Commandant. Hence, he gave



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representation to the respondent on 11.03.2024 and 25.10.2024 and the same was not considered. Aggrieved over the same the petitioner has come up with this petition.

4. The learned counsel for the petitioner submitted that promotion of an individual can be stopped on three grounds namely charge sheeted in criminal case, formulated charges and currency of punishment and once the punishment is exonerated his claim has to be considered at par with his junior with all consequential service and monetary benefits. He further submitted that this Court has already granted interim stay on 16.06.2023 and he has communicated the same to the Respondents. Hence, prays to allow this petition.

5. The learned Special Government Pleader appearing for the respondents submits that they will consider the case of the petitioner and pass orders on merits and in accordance with law.

6. Heard both sides and perused the materials available on record.



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7. Considering the facts and circumstances of the case this Court is of the view that the petitioner has been exonerated from the charges by the 4th respondent in Proc.RC No.3461087/AP.3(1)/2022 dated 09.01.2024, the petitioner's representation has to be considered. Hence, this Court directs the respondents to consider the petitioner's representation dated 11.03.2024 and pass orders on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.

8. With the above observations this writ petition stands disposed of. No order as to costs.

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Index: Yes/No

Speaking order/Non-speaking order
smn



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V.BHAVANI SUBBAROYAN,J.

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