



W.P(MD) No.9045 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **08.04.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD) No.9045 of 2023

and

W.M.P(MD)Nos.21000 & 21355 of 2023

L.Prem Kumar

... Petitioner

Vs.

1.The Director General of Police,
Tamilnadu, Mylapore,
Chennai - 4.

2.The Commissioner of Police
Tirunelveli City,
Kokkirakulam,
Tirunelveli - 9.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus directing the 2nd respondent to promote the petitioner as Special Sub Inspector of Police from 01.05.2022 on par with the petitioner's batchmates by considering the petitioner's representation dated 01.05.2022.

For Petitioner : Mr.K.Sathiya Singh

For Respondents : Mr.J.Ashok,

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition seeking a Writ of Mandamus to direct the 2nd respondent to promote him as Special Sub Inspector of Police from 01.05.2022 on par with his batchmates by considering his representation dated 01.05.2022.

2. Heard Mr.K.Sathiya Singh, learned counsel appearing for the petitioner and Mr.J.Ashok, learned Additional Government



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Pleader appearing for the respondents.

3. The petitioner, who was appointed as Grade-II Police Constable, on 15.04.1997 and promoted as Grade-I Police Constable on 01.05.2007. The petitioner was promoted to Head Constable and upgradation on 01.07.2016. The petitioner's next promotion to the cadre of Special Sub Inspector of Police was due on 01.05.2022. Despite the petitioner's batch-mates were promoted on 01.05.2022, the petitioner was not considered for promotion so far. In fact, the petitioner was already punished with reduction of pay by two stages for two years with cumulative effect, in view of the certain charges against him. The petitioner was kept under suspension for a period from 07.03.2005 to 16.06.2009 and the said period out of employment was regularized as under :

07.03.2005 to 18.05.2005 – 73 / EL(m)

19.05.2005 to 14.11.2005 – 180 / UEL(p) ½ pay

15.11.2005 to 16.06.2009 – 1310 / LWP (p)



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4. It appears that the petitioner was not considered for promotion, in view of his out of employment for the period between 07.03.2005 and 16.06.2009 which was not included in his eligible service to be computed for the next level of promotion. However, from the orders of the respondent dated 04.11.2009, the above period of 1563 days has been regularized by treating it as the eligible leave of the petitioner. In such a case, it cannot be said that the petitioner's continuity of service is interrupted.

5. When the petitioner's juniors have been promoted, so far, the petitioner has not been considered for next level of promotion because the above service period has not been taken into consideration for computing 10 years period from the level of Head Constable. So, the petitioner has given a representation to this effect, but the same has not been considered by the respondents and hence, I feel it is appropriate to direct to consider the representation of the petitioner by considering the period out of employment as



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continuity of service.

6. In view of the above, the respondents are directed to consider the representation of the petitioner by considering the period out of employment as continuity of service and pass appropriate orders for promotion also on its own merits and in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands **disposed of**. No costs. Consequently, connected miscellaneous petitions are closed.

08.04.2024

Index : Yes / No
Internet : Yes / No
NCC : Yes / No

RM



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R.N.MANJULA, J.

RM

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