



W.P.(MD)No.17801 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 31.07.2024

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17801 of 2024

S.Rajamanickam

... Petitioner

vs.

The Director General of Police,
Office of the Director General of Police,
Head of Police Force, Mylapore,
Chennai - 600 004.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the impugned order passed by the respondent in R.c.No.NGB-I(I)/E/38/2023 dated 08.01.2024 and to quash the same and consequently to grant temporary promotion as inspector of police within a time frame as may be fixed by this Court.

For Petitioner : Mrs.P.Jessi Jeeva Priya

For Respondent : Mr.S.Shanmugavel
Additional Government Pleader



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ORDER

Heard Mrs.P.Jessi Jeeva Priya, learned counsel appearing for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader appearing for the respondent.

2. The petitioner has filed this petition seeking to quash the impugned order of the respondent in R.c.No.NGB-I(I)/E/38/2023, dated 08.01.2024 and to grant temporary promotion as Inspector of Police within a stipulated time.

3. Mrs.P.Jessi Jeeva Priya, learned counsel appearing for the petition submitted that the impugned order has been passed by taking into consideration of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 despite the Rule 15 of the Special Rules to the Tamil Nadu Police Subordinate Service Rules permit temporary promotion. It is her submission that if the petitioner's request for promotion is considered in accordance with the Special Rules, there would be a possibility to get promotion.



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4. In the impugned order, it is stated about the Section 47(4) of Tamil Nadu Government Servants (Conditions of Service) Act, 2016 with abundant caution along with the Rule 15 of the Special Rules to the Tamil Nadu Police Subordinate Service Rules. Even according to the Rule 15, the individual cannot claim temporary promotion as a matter of right and it is within the discretion of the concerned authorities to consider the possibility for promoting the individual on temporary promotion. Appreciating the suitability despite there are pending allegations of corruption and misconduct is within the power of the respondent who has passed the impugned order.

5. However, the learned counsel appearing for the petitioner submitted that though the petitioner has suffered previous punishment, he has not faced any corruption allegations so far and hence, the petitioner's case could have been considered favourably while the respondent is exercising its discretion.



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6. In the impugned order, there is a mention about framing of charges against the petitioner on the allegation that he had demanded Rs. 7,00,000/- as illegal gratification along with other Police in a case involving the Narcotic Drugs and Psychotropic Substances Act, 1985. At the culmination of the departmental proceedings, the above charges are said to have been proved and the petitioner has been imposed with a punishment of compulsory retirement from service. However, on mercy petition, the respondent has set aside the order of compulsory retirement and issued fresh orders. But, the impugned order does not make any mention about the disposal of the criminal case and the punishment if any awarded against the petitioner. Apart from the above criminal case, there are also several disciplinary proceedings initiated against the petitioner. In any case, I feel that the petitioner can be given with a liberty to make a representation to the respondent for temporary promotion and the respondent shall consider the same and pass appropriate orders.

7. In view of the above observations, the writ petition is **disposed of** and the petitioner is at liberty to give a representation to the



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respondent seeking temporary promotion and on receipt of the same, the respondent shall consider the conclusion of the pending criminal case against the petitioner and depending upon the result, shall apprise the request of the petitioner and pass orders within a period of six weeks from the date of receipt of a copy of this order. No costs.

31.07.2024

NCC: Yes/No
Index : Yes/No
Speaking/Non-Speaking order

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To

The Director General of Police,
Office of the Director General of Police,
Head of Police Force, Mylapore,
Chennai - 600 004.



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R.N.MANJULA, J.

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