



W.P.(MD)No.14537 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **04.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.14537 of 2024

Suresh Kannan

... Petitioner

vs.

1.The Deputy Inspector General of Police,
Madurai Range, Madurai.

2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified mandamus, to call for the records relating to the impugned order passed by the 2nd respondent in C.No. A1(2)/28445/701/2023, dated 25.04.2023 and quash the same and directing the respondents to upgrade the petitioner as Special Sub Inspector of Police with effect from 01.05.2022 with monetary benefits.

For Petitioner : Mr.D.Rameshkumar

For Respondents : Mr.S.Shanmugavel

Additional Government Pleader



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ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent in C.No.A1(2)/28445/701/2023, dated 25.04.2023 with a consequential direction to the respondents to upgrade the petitioner as Special Sub Inspector of Police with effect from 01.05.2022 with monetary benefits.

2. Heard Mr.D.Rameshkumar, learned counsel for the petitioner and Mr.S.Shanmugavel, learned Additional Government Pleader for the respondents.

3. By consent of both sides, the Writ Petitions are taken up for final disposal at the admission stage itself.

4. The learned counsel appearing for the petitioner submitted that the representation given by the petitioner with regard to the aforesaid relief has been considered and the impugned order has been passed on



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25.04.2023 stating that the punishment period expired on 31.03.2017 and thereafter, he was upgraded to the post of Head Constable with effect from 01.04.2017.

5. The learned counsel appearing for the petitioner further submitted that the petitioner has challenged the punishment of three years of stoppage of increment in WP(MD)No.18352 of 2018 and by virtue of the orders dated 25.03.2019 passed in that writ petition, the punishment was modified by reducing it to stoppage of increment for one year without cumulative effect, due to which, the petitioner upgrading as Head Constable has been revised with effect from 01.05.2015, in view of the modified and reduced punishment. Seeking upgradation to the post of the Special Sub Inspector of Police, the petitioner has filed a representation. Since the same was negatived, the present petition has been filed.

6. It is seen from the records that the Head Constables who have completed 25 years of total service with 10 years of service as Head



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Constable shall be upgraded as Special Sub-Inspector of Police.

Therefore, it is necessary that a person in the post of Head Constable ought to have been completed 10 years of service as Head Constable for getting upgradation to the post of Special Sub-Inspector of Police.

7. In the case on hand, since the petitioner's upgradation starts with effect from 01.05.2015, service as Head Constable can be counted from 01.05.2015 and 10 years of completion of service would be only with effect from 01.05.2015. The impugned order has rightly stated the said fact. Without completing 10 years of service in the post of Head Constable, the petitioner cannot claim any upgradation to the post of Special Sub-Inspector and hence, i find no reason to interfere with the impugned order.

8. In view of the aforesaid observations, this writ petition is dismissed. No costs.

04.07.2024

NCC: Yes/No
Index : Yes/No
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To:-

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Madurai Range, Madurai.
- 2.The Superintendent of Police,
Virudhunagar District,
Virudhunagar.



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R.N.MANJULA, J.

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