



W.P.(MD)No.18205 of 2017

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **05.09.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE ABDUL QUDDHOSE**

W.P.(MD)No.18205 of 2017

and

W.M.P.(MD)No.14648 of 2017

S.Shanmugavel

... Petitioner

/Vs./

1.The Director General of Police (Law & Order),
Mylapore,
Chennai – 600 004.

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

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records of the 1st respondent passed in R.C.No.212074/AP.2(1)/2015 dated 29.04.2017 and quash the same and consequently direct the 1st respondent to give promotion to the petitioner as Deputy Superintendent of Police with all service benefits with effect from the date on which his juniors were promoted by including the name of the petitioner in the panel for the year 2013-2014 instead of in the panel for the year 2014-2015.



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For Petitioner : Mr.R.Gowrishankar
For Respondents : Mrs.D.Farjana Ghoushia
Special Government Pleader

ORDER

This writ petition has been filed challenging the order dated 29.04.2017 passed by the first respondent rejecting the petitioner's request for promotion to the post of Deputy Superintendent of Police in the panel for the year 2013-2014.

2. The request of the petitioner has been rejected on the ground that there was a censure order in currency against the petitioner within one year from the cut-off date with regard to the promotion to the post of Deputy Superintendent of Police in the panel for the year 2013-2014.

3. A counter affidavit has been filed by the respondents.

4. It is an undisputed fact that within one year, prior to the cut-off date, a censure order was imposed on the petitioner, which has attained



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finality and the said censure order is dated 22.01.2013. The cut-off date for the promotion to the post of Deputy Superintendent of Police in the panel for the year 2013-2014 is 01.06.2013.

5. As per G.O.Ms.No.22, Personnel and Administrative Reforms Department, dated 24.02.2014, it is clear that any punishment (other than censure) imposed on a member of service within a period of five years prior to the crucial date and a punishment of censure imposed within a period of one year prior to the crucial date shall be held against the member of service and his name shall not be considered for inclusion in the approved list.

6. In the instant case, admittedly, the censure order passed against the petitioner is within one year prior to the crucial date and therefore, only in accordance with G.O.Ms.No.22, Personnel and Administrative Reforms Department dated 24.02.2024, the petitioner's request for promotion to the post of Deputy Superintendent of Police in the panel for the year 2013-2014 has been rejected under the impugned order. This Court does not find any infirmity in the impugned order dated



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29.04.2017 passed by the first respondent. Accordingly, this writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

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Index : Yes / No
NCC : Yes / No
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ABDUL QUDDHOSE, J.

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Order made in
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Dated:
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