



W.P.No.30978 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.06.2025

CORAM :

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.30978 of 2015

1.P.Ramasamy (Deceased)
2.Mrs.Saroja
3.Mr.R.Ravikumar
4.Mrs.R.Abarna
(P2 to P4 are substituted as LR's of Deceased P1
as per order dated 05.02.2025 in W.M.P.No.2726/2025
in W.P.No.30978/2015)

... Petitioner

Vs.

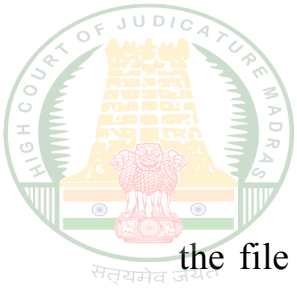
1.The State of Tamilnadu
Rep.by its Secretary,
Department of Home,
Fort St.George, Chennai – 9.

2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai – 4.

3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying for the issuance of Writ of Certiorarified Mandamus, to call for the record in G.O.(D).No:568, Home (Police) Department dated 29.07.2015 on



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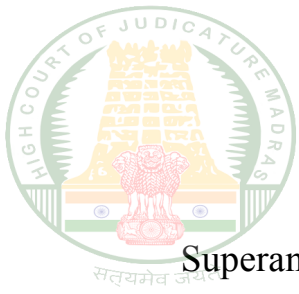
the file of the 1st respondent and quash the same and direct the 2nd and 3rd respondents to fix the seniority of the petitioner above to his junior Mr.A.Palani and promote the petitioner in the appropriate post on par with his batch mate and give notional benefits and pass such further order or orders as this Hon'ble Court may deem fit and proper in the circumstances of the case and thus render justice.

For Petitioner : Mr.S.Packiaraj
For Respondents : Mr.V.Veluchamy
Additional Government Pleader

ORDER

This writ petition has been filed aggrieved by the orders issued by the respondent No.1 vide G.O.(D).No.568, Home (Police 2) Department dated 29.07.2015, whereby the claim of the petitioner No.1 for fixation of seniority and notional promotion to the post of Deputy Superintendent of Police on par with his junior Mr.A.Palani was considered and negatived.

2. A perusal of the impugned order disclose that the Petitioner No.1 has been undergoing punishment and the disciplinary proceedings initiated under Rule 3(b) of Tamil Nadu Police Subordinate Services (Discipline and Appeal) Rules, 1955 were pending during the panel for the years 1999-2000 to 2009-2010. The petitioner retired from service on attaining the age of



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Superannuation on 31.10.2010. As seen from the impugned order as well as the counter affidavit filed by the respondents, the petitioner was undergoing punishment and facing the disciplinary proceedings.

3. As noted hereinabove, if that being the case, question of consideration of the case of the petitioner for notional promotion on par with his alleged junior does not arise. Though the respondents have furnished all the punishments that were suffered by the petitioner No.1 and the disciplinary proceedings that were pending against him during the panel of the years from 1999 to 2010, there is nothing that is averred in the affidavit filed in support of the writ petition to contradict the said statements made in the impugned order on factual aspects. No doubt vaguely an averment is made, stating that the respondents are referring to the very same punishment, which was quashed by this Court as well as by the Hon'ble Apex Court. But no material is placed to show that all the punishments that were referred to in the impugned order were quashed by this Court or by the Hon'ble Apex Court.



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4. In the absence of any substantial material or the averment made in the affidavit filed in support of this writ petition to contradict the factual narration made in the impugned order as well as in the counter affidavit, this Court does not see any reason to interfere with the impugned order.

5. Accordingly, the writ petition stands dismissed. No costs.

03.06.2025

Index : Yes/No

Neutral Citation : Yes/No

Speaking order / Non-speaking order

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To

- 1.The Secretary,
State of Tamilnadu,
Department of Home,
Fort St.George, Chennai – 9.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai – 4.
- 3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.



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MUMMINENI SUDHEER KUMAR, J.

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