



W.P.No.13509 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.02.2025

CORAM

THE HONOURABLE Ms.JUSTICE R.N.MANJULA

W.P.No.13509 of 2019

S.Vishnushankar

... Petitioner

Vs.

The Joint Commissioner of Police (SZ),
St. Thomas Mount,
Chennai – 600 016.

... Respondent

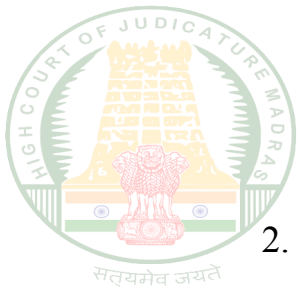
PRAYER: Writ Petition is filed under Article 226 of the Constitution of India for issuance of Writ of mandamus to direct the respondent to upgrade the petitioner as Gr.I/HC with effect from 01.12.2018 in accordance with the proceedings in Rc.No.251013/NGB III(2)/2002.

For Petitioner : Mr.M.Devaraj

For Respondent : Mr.A.M.Ayyadurai
Government Advocate

ORDER

The petitioner has filed this writ petition to direct the respondent to upgrade him as Grade - I Head Constable with effect from 01.12.2018 in accordance with the proceedings in Rc.No.251013/NGB III(2)/2002.

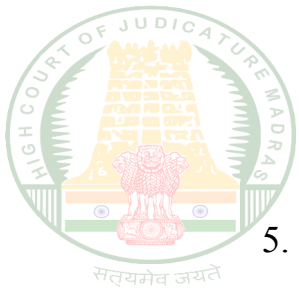


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2. The petitioner is working in Armed Force since 01.02.2003 and he was imposed with the punishment on 07.10.2015 to the effect of stoppage of two years increment with cumulative effect. It is claimed by the petitioner that his pay got restored on 24.11.2017. As per the contention of the petitioner, he is entitled to get promotion. Hence, the petitioner made a representation to the respondent on 31.10.2018. As the representation of the petitioner dated 31.10.2018 has not been considered by the petitioner so far, he had filed the present writ petition.

3. Mr.M.Devaraj, the learned counsel for the petitioner, submitted that the petitioner is entitled to next level promotion of Grade I Head Constable from Grade I Post Constable with effect from 01.12.2018.

4. However in the counter filed by the respondent it is stated that in view of the punishment imposed, the petitioner was not recommended for upgradation as Grade I Head Constable on 01.11.2018. He was recommended to the said post only on 01.12.2019 and thereafter only the promotion was given to him.

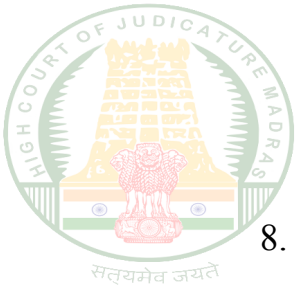


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5. According to the petitioner the currency of punishment was over as early as on 15.10.2015 and he was given with pay restoration by virtue of an order dated 24.11.2017. In that case the petitioner could have been included in the promotion panel for the year 2018. As on the day when the promotion panel is due to be prepared i.e. on 01.12.2018, there is no currency of punishment. So it is claimed that the petitioner ought to have been included in the panel for the year 2018 and he should be upgraded to Grade I Head Constable with effect from 01.12.2018.

6. The learned Government Advocate for the respondent, submitted that the petitioner has not been included in the panel for upgradation of Grade I Head Constable on 01.12.2018 and hence he could be upgraded only on 01.12.2019.

7. There is no reason to delete the petitioner's name from the panel on 01.12.2017 during which time there is no currency of punishment. In the order of promotion itself it has been stated that there was punishment pending as on 01.12.2018 and hence the petitioner was not given with promotion. But the fact remains that the punishment period got expired as on 01.12.2018 but that was not considered by the authority who has passed the order.



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8. As the essential elements have not been included in the order of promotion, I feel that appropriate direction has to be given to the respondent.

9. In view of the same, the Writ Petition is allowed and the respondent is directed to dispose the representation of the petitioner dated 31.10.2018 on its own merits and in accordance with law and in the light of the above findings, within a period of four weeks from the date of receipt of a copy of this order.

No costs.

13.02.2025

Index : Yes/No

Neutral citation : Yes/No

Speaking Order/Non-Speaking Order

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WEB COPY

To:

The Joint Commissioner of Police (SZ),
St. Thomas Mount,
Chennai – 600 016.



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R.N.MANJULA, J.

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