



W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24-07-2025

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

T.Mari, GR-1-434

.... Petitioner

Vs

The Superintendent of Police,
Ramanathapuram.

.... Respondent

PRAYER : Writ Miscellaneous Petition filed under Section 5 of the Limitation Act, praying to condone the delay of 4106 days in filing the above W.M.P.Sr.No.129623/2023 for restoration of the above W.P.No.9334/2007.

For Petitioner : Mr.Athiban Vijay



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W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

ORDER

This application is filed seeking to condone the delay of 4106 days in filing an application to restore the W.P.No.9334/2007 which was dismissed for non prosecution on 08.06.2012.

2. In the main writ petition, the punishment that was imposed on the petitioner through proceedings P.R.No.110/2000 dated 30.05.2001 was under challenge.

2.1. According to the learned counsel for the petitioner, subsequent to the filing of W.P.No.9334/2007, the petitioner was imposed with major punishment of dismissal from service in the year 2004 and thereafter, on a mercy petition filed by the petitioner, the said punishment of dismissal from service was modified into that of compulsory retirement by the Director General of Police, Chennai, by an order dated 17.03.2019.



W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

WEB COPY

2.2. According to him, it was thereafter, the petitioner made a claim for notional promotion to the post of Head Constable and the same was rejected by the competent authority on the ground that the petitioner is not entitled for such promotion, as the petitioner has suffered the punishment under proceedings dated 25.09.2000 and another proceedings dated 30.05.2001. Thus, it is only after passing of the said order dated 13.09.2022, the petitioner has come forward to take steps to file the present application and accordingly, the present application was filed on 20.09.2023 i.e. after a year from the date of rejection of the claim of the petitioner for notional promotion to the post of Head Constable.

2.3. By the date of modification of punishment of dismissal from service into that of compulsory retirement i.e. as on 17.03.2019, the petitioner is very much aware of the punishment that was already suffered by him in the year 2000. But the petitioner instead of taking steps to pursue the said writ petition wherein the said punishment was challenged, simply submitted the application for notional promotion and the same



W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

WEB COPY

was negatived on ground that the petitioner is not entitled for such promotion because of the punishment that was already suffered by him.

2.4. It is only thereafter, the petitioner has come forward to seek restoration of the above said writ petition by filing the present application seeking condonation of delay of 4106 days. If at all the petitioner is interested in pursuing the above writ petition i.e. W.P.No.9334/2007, he ought to have taken steps immediately after the modification of the punishment of dismissal from service into that of compulsory retirement by an order dated 17.03.2019. But the petitioner has not chosen to take any steps at the relevant point of time but has come forward by filing the present application seeking for condonation of inordinate delay of 4106 days.



W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

WEB COPY

3. This Court does not find any sufficient reason for condoning such an inordinate delay. Accordingly, this Writ Miscellaneous Petition is dismissed.

24.07.2025

(2/2)

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
mtl

To

The Superintendent of Police,
Ramanathapuram.

MUMMINENI SUDHEER KUMAR, J.

Page 5 of 6



WEB COPY



W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

mtl

W.M.P.No.433 of 2024
in W.P.No.9334 of 2007

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