



W.A.No.2771 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED : 23.09.2025

CORAM

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

and

THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.A.No.2771 of 2025

and

C.M.P.No.22263 of 2025

1. The Superintendent of Police,
Villupuram District.

2. The Deputy Inspector General of Police,
Villupuram Range, Villupuram.

3. The Director General of Police,
Tamil Nadu, Chennai - 4.

... Appellants

-Vs-

Tr.N.Rajavelu
S/o.Natesan,
Retired Head Constable 595,
(Formerly Villupuram District),
Formerly served in Nilgiris District,
Armed Reserve, Now Residing at
5/19, Denish Special School Opposite,
Ulundurpettai, Kallakurichi District.

... Respondent



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PRAYER : Appeal filed under Clause XV of Letters Patent, against the order dated 26.02.2024 in W.P.No.29005 of 2010.

For Appellants : Mr.E.Vijay Anand
Additional Government Pleader

J U D G M E N T

(Judgment of the Court was delivered by **R.SURESH KUMAR, J.**)

This intra Court appeal has been directed against the order dated 26.02.2024 made in W.P.No.29005 of 2010.

2. The respondent was the writ petitioner who was initially enlisted as Grade-II Police Constable in the District Armed Reserve, Cuddalore on 01.03.1972 and was transferred to the Local Police in 1976 and continued his service in Villupuram District.

3. While so, since he has been implicated in a criminal case in Crime No.596 of 1977 on the file of Tirukovilur Police Station for the alleged offences



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under Sections 359 & 380 of IPC, he was issued with a charge memo in

P.R.No.162 of 1978 and the said disciplinary proceedings ended in a punishment of dismissal from service by order dated 27.01.1979. As against the order of the dismissal, the respondent / writ petitioner preferred an appeal before the Deputy Inspector General of Police and the Appellate Authority was pleased to set aside the order of the punishment of the dismissal and therefore, the respondent / writ petitioner was reinstated into service on 30.06.1979.

4. For the very same set of allegations, further disciplinary proceedings again been issued by reviving P.R.No.51 of 1985 by issuing a fresh charge memo and that was under challenge in W.P.No.836 of 1987, that was initially stayed by the order of the Court dated 28.07.1987, thereafter, the writ petition was transferred to the then existing Tamil Nadu Administrative Tribunal, where it has been renumbered as T.A.No.585 of 1992. By order dated 26.06.2003, the said disciplinary proceedings were quashed, thereby P.R.No.51 of 1985 was dropped on 07.01.2004 and the period of suspension of the respondent / writ petitioner was treated as a duty.



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5. Thereafter, the respondent / writ petitioner was upgraded as Grade-I Police Constable with effect from 03.03.1993 and as Head Constable with effect from 16.01.1998.

6. Only in this context, it is the contention of the respondent / writ petitioner that, he should have been promoted as Grade-I Police Constable in the year 1984 as several of his juniors have been promoted and had been given further promotions to the post of Head Constables in the year 1994. Since the juniors of the petitioner were also promoted as Sub Inspectors and subsequently as Special Sub-Inspectors as early as in the year 2001 to 2005, the respondent / writ petitioner also sought for such promotions.

7. At one point of time, when his name was to be considered for upgradation as Special Sub-Inspector, based on the seniority, his name has not been recommended because of the criminal case in P.R.No.17 of 2007 in Ulundurpet Police Station in Crime No.159 of 2007 under Sections 354 & 342 IPC r/w under the provisions of the Tamil Nadu Prevention of Women



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Harassment Act, 2002 since were pending, he was in fact awarded with a

punishment of "reduction of pay by one stage for one year which shall operate to postponement of future increments".

8. However, the said criminal case ended in acquittal by the judgment of the Principal Sessions Judge, Villupuram in S.C.No.50 of 2010 on 29.01.2011.

9. Therefore, the departmental punishment of reduction of pay by one stage for one year has been modified into black mark on 29.07.2013.

10. Therefore, absolutely there has been no impediment for the employer to consider the timely promotions to be operated against the petitioner initially as Grade-I Constable, subsequently as Head Constable and thereafter as Special Sub Inspector of Police. As number of his juniors at various point of time since have been given such promotions, the respondent / writ petitioner also since is entitled to get such promotions, he has sought for such promotions which has not been given, he had approached the employer to get such promotional



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avenue, but the same having been considered was rejected, therefore, the order

dated 20.07.2010 has been questioned before the writ Court with the prayer of certiorarified mandamus.

11. Though a stand has been taken by the employer before the writ Court here also as appellants that, since there has been at least on two occasions disciplinary action was taken against him pursuant to the criminal case pending against him and during the pendency of either of the criminal case or during the pendency of the disciplinary proceedings since promotion could not be operated, such promotion could not be given to him after long years, since he got acquitted either in the criminal case or pursuant to which the disciplinary proceedings ended either in setting aside of the disciplinary proceedings or exoneration, by setting aside the punishment given by the Disciplinary Authority or by the Appellate Authority, only thereafter such promotion since has been operated, it cannot be stated that the juniors were given promotions, whereas, the respondent / writ petitioner has not been considered for promotion.



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12. All these aspects has been considered by the learned Judge and he has

given the reasons as to why the respondent / writ petitioner is entitled for promotion at various stages and ultimately, he has given the following findings:

"20.The initial order of punishment was set aside by the Appellate Authority in the year 1979. It is to be noted that the Tamil Nadu Appellate Tribunal by its order as early as on 06.01.2000 had passed an interim order directing the Deputy Inspector General of Police to consider the case of the petitioner for promotion without reference to the pending charges. By a further order dated 12.07.2002, a charge memo against the petitioner had been set aside and also the entitlement of all monetary and service benefits had been ordered. Thereafter, the upgradation orders have been passed. It is also to be noted that after the charges were quashed against him, the petitioner was not treated on par with his juniors by contending that the procedures for promotion had been altered and therefore, his case could not be considered under the original Rules since no test are now being conducted for granting junior promotion of Grade II Police Constable to Grade I Police Constable and also the post of Sub Inspector. Presently is only based upon the seniority and that he could



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only be upgraded on the date when the Rules came in for upgradation.

21.Be that as it may, even if the claim of the respondents are accepted, the -C- list for promotion of Head Constable as Sub Inspector based on the seniority was initially drawn in the year 2006. He was not included on the ground that the petitioner had only completed his probation in the rank of Head Constable on 12.01.2007. Again, his name was not considered for the reason that he was involved in a criminal case. It is also brought to the notice of this Court that in the said criminal case, he had been acquitted and also the punishment imposed on him had been cancelled.

22.In view of the same, there can be no impediment in including the name of the petitioner for promotion in the -C- list of Head Constable fit for promotion. As I have already held that the service benefits that had been directed to be bestowed upon him on quashing of the charges have not been bestowed upon him. Considering the various factors, I am of the opinion that the petitioner ought to have been included in the -C- list of Head Constable fit for promotion in the year 2006 since had he been granted the service benefits, he would have been promoted as Head Constable much before the actual date of upgradation.



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13. The said reasoning given by the learned Judge is based on records where the initial criminal case followed by the disciplinary proceedings both ended in acquittal or the disciplinary proceedings were closed by setting aside the punishment or the charge memo has been quashed by the Tamil Nadu Administrative Tribunal, even the second time also, when the punishment was given, subsequently since the criminal case ended in acquittal, the punishment has been modified only as black mark. Therefore, there is no impediment for the respondent / writ petitioner to claim such promotions on par with his juniors who have been considered and granted such promotions. These aspects having been taken into account, the learned Judge in paragraph No.23 of the impugned order had given a direction to include the name of the petitioner in the 'C' list of the Head Constable fit for promotion in the year 2006 and grant him promotion immediately before his juniors have been promoted and all such promotions shall be only treated as notional promotions since the respondent / writ petitioner has already retired from service on superannuation.



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14. The learned Judge also directed that except the retiral and pensionary

benefits, the respondent / writ petitioner would not be entitled to get any salary

benefits even if he is able to achieve such promotions notionally, therefore such

a reasoned order since has been passed by the learned Judge by virtue of the

order impugned and if any notional promotions are given to the respondent /

writ petitioner by virtue of that there is no financial loss to the Government

because no back salary has been claimed by the petitioner. Moreover, if the

notional promotion is given to the petitioner by virtue of such promotion, no

other persons is going to be affected also as he has already retired from service.

If at all such notional promotion is given, the only benefit that would be accrued

on him is only the retiral and pensionary benefits upon such notional fixation,

therefore such a relief granted by the writ Court that too based on the factual

matrix that has been discussed herein above by the learned Judge cannot be

found fault with as there has been no flaw in the said approach on the part of the

writ Court. Therefore, we do not find any plausible reasons to interfere with the

order impugned in this regard.



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15. Resultantly, the Writ Appeal fails and hence it is dismissed. The

compliance of the order passed by the writ Court which is impugned herein

shall be made by the appellants within a period of two months from the date of

receipt of copy of this judgment. However, there shall be no order as to costs.

Consequently, connected miscellaneous petition is closed.

(R.S.K., J.)

(H.C., J.)

23.09.2025

NCC : Yes / No

Index : Yes / No

Speaking Order : Yes / No

vji

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