



W.P.(MD)No.2106 of 2025

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.01.2025

CORAM:

THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.2106 of 2025

Kumaresan

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Trichy Police Range,
Trichy.

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

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus to direct the 1st respondent to promote the petitioner to the next higher post as per his seniority and as parity with who are all batch mates got promotion in the year 2016 itself and further promotion were also given to them who alleged to involve in the criminal case pending FIR against them as like me by considering my representation dated 20.12.2024.

For Petitioner

: Mr.R.Anandha Raj

For Respondents

: Mr.A.Baskaran

Additional Government Pleader



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ORDER

The instant writ petition has been filed by a Grade I Constable, seeking a mandamus directing the 1st respondent to promote the petitioner to the next higher post as per the seniority on par with the batch mates who got promotion in the year 2016.

2. A perusal of the affidavit reveals that the petitioner was implicated in a criminal case in Crime.No.13 of 2010 on the file of Valanadu Police Station, Tiruchirappalli. The petitioner faced two departmental proceedings in PR.No.30 of 2011 and PR.No.74 of 2013 under Rule 3(b) of Tamil Nadu Police Sub-Ordinate Service (Discipline & Appeal) Rules, 1955. In PR.No.30 of 2011, the petitioner was issued with punishment of postponement of next increment for two years without cumulative effect. This order was passed on 29.04.2012. The petitioner has completed the punishment period on 26.05.2014.



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3. The petitioner faced another departmental proceedings in PR.No.74 of 2013. In the said proceedings, the petitioner was imposed with punishment of postponement of one increment for one year with cumulative effect. This order was passed on 04.11.2015.

4. From the above said departmental proceedings and the punishment imposed upon the writ petitioner, it is clear that the petitioner has completed the currency of both the punishments in the year 2016 itself. Therefore, after the completion of the currency of punishment and the check period, the petitioner would be eligible to get his promotion from the year 2021 onwards.

5. As far as the contention of the respondents that FIR is pending as against the writ petitioner is concerned, as per Class (5) of Schedule 11 to Tamil Nadu Government Servants (Conditions of Service) Act, 2016, mere filing of cases in the Court shall not be a bar for inclusion of the name in the approved list. Only if specific charges are framed or report has been filed in the criminal case or the crucial date, the name of the candidate cannot be considered for inclusion in the approved list.



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6. Admittedly in the present case, charge sheet has not been filed in the above said criminal case. In view of the above said facts, there cannot be any legal impediment for the respondent authorities to consider the name of the petitioner for inclusion in any one of the panel after November 2021 onwards for promoting the petitioner to the post of Head Constable.

7. In view of the above said facts and based upon the observations made by this Court, the 1st respondent is directed to consider the representation of the petitioner dated 20.12.2024 and pass orders within a period of 12 weeks from the date of receipt of a copy of this order.

8. The writ petition stands allowed with the above observations and directions. No cost.

30.01.2025

NCC :yes/No
Index :yes/No
Internet:yes/No
rgm



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To

1. The Deputy Inspector General of Police,
Trichy Police Range,
Trichy.
2. The Superintendent of Police,
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R.VIJAYAKUMAR, J.

rgm

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