



W.P.(MD).No.2564 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.10.2025

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THE HONOURABLE MR.JUSTICE K.KUMARESH BABU

W.P.(MD)No.2564 of 2024

and

W.M.P.(MD).Nos.2575 & 2576 of 2024

V.Veluchamy

...Petitioner

Vs

1. The Deputy Inspector General of Police
Madurai Range
Madurai District.

2. The Superintendent of Police
Virudunagar
Virudunagar District.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 2nd respondent in his proceedings in C.No.A1(1)/3460/60/2023 dated 06.11.2023 and quash the same as illegal and consequentially to direct the respondents to promote the petitioner as Head Constable notionally w.e.f. 01.05.2012 from the date on which juniors were promoted by the 2nd respondent vide his proceedings dated 17.05.2012 and Special Sub Inspector of Police w.e.f., 01.06.2022 with seniority and all other benefits within the period that may be stipulated by this Honble Court and pass such further or other orders as this Honble Court may deem fit and proper in the circumstances of the case and thus render justice.



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For Petitioner : Mr.K.Suresh Kumar
For Respondents : Mr.M.Siddharthan
Addl. Govt., Pleader

ORDER

This writ petition has been filed challenging the impugned order passed by the 2nd respondent in his proceedings in C.No.A1(1)/3460/60/2023 dated 06.11.2023 and seeking consequential direction to the respondents to promote the petitioner as Head Constable notionally w.e.f. 01.05.2012 from the date on which juniors were promoted by the 2nd respondent vide his proceedings dated 17.05.2012 and Special Sub Inspector of Police w.e.f., 01.06.2022 with seniority and all other benefits.

2. The learned Counsel for the petitioner would submit that the petitioner was appointed as a Gr.II Police constable on 15.04.1997 and he was promoted as Grade.I Police Constable during the year 2007. By proceedings dated 17.05.2012, the Grade.I police constable, who have completed five years of service in the said category, are all held eligible for upgradation as Head Constable with effect from 01.05.2012, however, such upgradation was not effected. Thereafter, on 29.11.2012, the petitioner was served with a charge memo and in the disciplinary



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proceedings the petitioner was imposed with a punishment of postponement of increment for a period of three years on 08.10.2013.

The appeal filed by the petitioner was also rejected as time barred. The petitioner had challenged the order of punishment before this Court in W.P.(MD).No.9089 of 2015. This Court had modified the punishment, by imposing a punishment of stoppage of increment for the period of six months without cumulative effect. He would submit that the petitioner was not conferred with the upgradation of police constable from the date of the qualification and his upgradation as Head constable was made only on 01.06.2017, which affects his further upgradation as a Special Sub Inspector of Police and all his batch mates have all already been conferred with Special Sub Inspector of Police. He would further submit that the subsequent charge memo cannot be put against the petitioner for conferring the upgradation of Head constable for which he was held to be eligible on 01.5.2012 by proceedings dated 17.05.2012. Therefore, he seeks interference.

3. Countering his argument, the learned Additional Government Pleader would contend that even though the petitioner name was included in the list of eligible candidates for upgradation, before the upgradation



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was issued, the petitioner was proceeded against by issuance of charge memo which ended in a punishment of stoppage of increment for the period of three years with cumulative effect. However, the same had been modified and reduced by this Court to a punishment stoppage of increment for six months without cumulative effect. The said order came to be passed on 02.06.2022. In view of the orders passed by this Court, the petitioner was also visited with a further punishment in 2016, where he was imposed with a punishment of postponement of increment for a period of one year without cumulative effect and the period of punishment expired on 02.05.2016. He was again visited with the punishment of postponement of increment for a period of two years which was modified to a black mark by proceedings dated 31.08.2018. This punishment also expired on 18.05.2017. Therefore, since the petitioner had suffered with continuous and consecutive punishments, which expired on 18.05.2017, the petitioner's movement from selection grade category of Grade.1 police constable to Head Constable was revised as 19.05.2017, and his date of upgradation as Head Constable has been revised as 01.06.2017. He would further submit that the petitioner is not entitled for being upgraded as a Head Constable on 01.05.2012 as claimed by him. The learned Additional Government



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Pleader would furthermore submit that on the date when the recommendation was made, the petitioner had been involved in delinquency and therefore he is not entitled for upgradation from the date claimed. Hence he prays this Court to dismiss the writ petition.

4. I have considered the submissions made on either side and perused the material available on record.

5. It is not a dispute that on 17.05.2012, the petitioner had been found eligible for being upgraded as a Head Constable with effect from 01.05.2012. Thereafter, he had been visited with the charge memo on 29.11.2012. Hence, on the date when he was found to be eligible, there were no disciplinary proceedings pending against him. The contention of learned Additional Government Pleader that the petitioner had been involved in delinquency at the relevant point of time cannot be a ground to reject his promotion, as promotion can be denied only if there are some disciplinary proceedings pending against him. The punishment of stoppage of increment and postponement of increment had been granted to him without any cumulative effect. Such punishment granted to him based upon the charge memos issued subsequent to the crucial date



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cannot be put against the petitioner. It had been repeatedly held by the Hon'ble Apex Court that a subsequent disciplinary proceedings after the cut off date cannot be put against an employee to deny his promotion. It is well settled law and cannot be disputed.

6. For the aforesaid reasons, the impugned order is set aside, there shall be a direction to the respondents to confer on the petitioner with upgradation of Head Constable with effect from 01.05.2012 and place him accordingly in the seniority list and also grant him further upgradations for which the petitioner is entitled. The said exercise shall be completed within a period of 12 weeks from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is allowed. No costs. Consequently, connected miscellaneous petitions are closed.

29.10.2025

NCC:yes/no
Index:yes/no
Internet:yes/no
gvn



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To:

1. The Deputy Inspector General of Police
Madurai Range
Madurai District.

2. The Superintendent of Police
Virudunagar
Virudunagar District.



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K.KUMARESH BABU, J.

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