

WP(MD)No. 15251 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 30.01.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

WP(MD)No.15251 of 2018

A.Manohar

... Petitioner

versus

1. The Director General of Police,
O/o. Director General of Police,
Kamarajar Salai,
Chennai.
2. The Additional Director General
of Police,
O/o. Additional Director General
of Police (Law and Order),
Kamarajar Salai,
Chennai.
3. The Inspector of Police,
South Zone,
Trichy District.
4. The Commissioner of Police,
O/o. The Commissioner of Police,
Trichy District.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India,
praying for the issuance of a Writ of Certiorarified Mandamus, to call for



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the records relating to the impugned order passed by the 4th respondent on 29.07.2017 in his proceedings No.C.No.A1/26167/2015 and quash the same, consequently, direct the respondents to include the petitioner's name in the 'C' list of Head Constable (Taluk) fit for promotion as Sub Inspector of Police for the year 2001 and consequential further notional promotion in the post of Inspector of Police to settle the monetary benefits within the time frame to be fixed by this Court.

For Petitioner : Mr.A.P.Muthupandian

For Respondents : Mr.G.V.Vairam Santhosh,
Additional Government Pleader

ORDER

The petitioner is a retired Special Sub Inspector of Police. He retired from service on 31.05.2010, on attaining the age of superannuation. After his retirement, he submitted a representation to the respondents on 03.01.2015 to provide notional promotion as Sub Inspector of Police with effect from 2001. The petitioner has also filed a writ petition before this Court in W.P.(MD)No.24566 of 2016. This Court, by order dated 22.12.2016, disposed of the writ petition with a direction to the respondents to take a decision on the petitioner's representation dated 03.01.2015. Pursuant to the same, the impugned order dated 29.07.2017 came to be passed, denying the claim of the

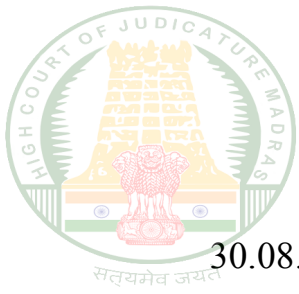


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petitioner for notional promotion. Challenging the same, the present writ petition has been filed.

2. The learned counsel appearing for the petitioner submits that the petitioner has been denied promotion in the year 2001, in view of the punishment imposed against him in PR No.18 of 2001. However, the order of punishment passed in PR No.18 of 2001 was set aside by the Additional Director General of Police, Law and Order, Chennai, by his proceedings dated 14.03.2015. Therefore, the petitioner is entitled for promotion as Sub Inspector of Police with effect from 2001.

3. The learned Additional Government Pleader submits that the petitioner was issued with a charge memo under Rule 3(b) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 in PR No.18 of 2001, in which, he was imposed with a punishment of reduction in time scale of pay by two stages for one year without cumulative effect, by the Commissioner of Police, Trichy, on 29.03.2003. Apart from that, he was also imposed with a punishment of censure by the Assistant Commissioner of Police, Cantonment Range, Trichy, on

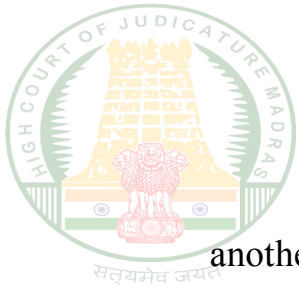


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30.08.2001 in PR No.27 of 2001. The panel for promotion as Sub Inspector of Police for the year 2002 was called for on 10.10.2003. At that point of time, the petitioner suffered with two punishments in PR No.18 of 2001 and 27 of 2001. Therefore, he was not considered for promotion. Apart from that, he was also imposed with a punishment of reduction in time scale of pay by one stage for one year without cumulative effect in in PR No.31 of 2009.

4. This Court considered the rival submissions made.

5. Admittedly, the petitioner was imposed with punishments in PR Nos.18 of 2001, 27 of 2001 and 31 of 2009. The Punishment Role No. 18 of 2001 was set aside by the Additional Director General of Police, by his proceedings dated 14.03.2015, only after the retirement of the petitioner and that too after five years. However, the proceedings of the Additional Director General of Police dated 14.03.2015 is not placed before this Court. When the panel for Sub Inspector of Police was prepared, the petitioner suffered with the punishment of censure in the year 2001 in PR No.27 of 2001. Apart from that, he also suffered with



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another punishment of reduction in the time scale of pay by one stage for one year without cumulative effect in PR No.31 of 2009. Therefore, this Court is not inclined to interfere with the impugned order passed by the 4th respondent.

6. Accordingly, this writ petition is dismissed. No costs.

30.01.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

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4. The Commissioner of Police,
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