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W.P. No.16355 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16-04-2026

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THE HON'BLE MR.JUSTICE MOHAMMED SHAFFIQ

W.P. No.16355 of 2022

and

W.M.P. No.6491 of 2025

S.Vishvanathan
S/o.V.Singarvelu,
Nattamangalam (Post),
Gurusamipalayam (Via),
Namakkal Taluk and District.

..Petitioner(s)

Vs

The Government of Tamilnadu,
Rep. by its Additional Chief Secretary, Home (SC)
Department, Secretariat, Fort St George,
Chennai - 600 009.

..Respondent(s)

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Certiorarified Mandamus calling for the records on the file of the respondent in their proceedings in G.O.(2D), No.273, Home (SC)Department dated 17.11.2021 and quash the same and consequentially directing the Respondents to promote the petitioner retrospectively to the Post of Inspector of Police w.e.f. 2006 with all service and monetary benefits within the time limit of fixed by this Honble Court. AMENDED AS to call for the records in proceedings in P.R.No. 09/A4/2006 dated 07.02.2006 and G.O.(2D), No.273, dated 17.11.2021 issued by the respondents and quash the same and consequently directing the Respondents to promote the petitioner retrospectively to the Post of Inspector of Police w.e.f. 2006 with all service and monetary benefits.

(PRAYER AMENDED AS PER ORDER DATED 19.02.2025 IN



WMP.6488/2025 IN WP.16355/2022 BY NMJ)

For Petitioner(s):

Mr.M.Vijaya Kumar

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For Respondent(s):

Mr.Yogesh Kannadasan

Special Government Pleader

ORDER

The present writ petition is filed praying for a writ of Certiorarified Mandamus calling for the records in proceedings in P.R.No. 09/A4/2006 dated 07.02.2006 and G.O.(2D), No.273, dated 17.11.2021 issued by the respondents and quash the same and consequently direct the Respondents to promote the petitioner retrospectively to the Post of Inspector of Police w.e.f. 2006 with all service and monetary benefits.

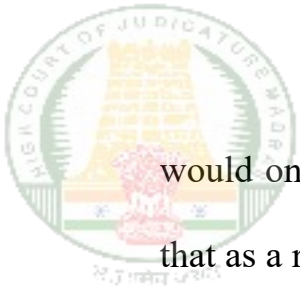
2. It is submitted by the learned counsel for petitioner that petitioner was initially appointed as Sub-Inspector of Police on 02.06.1997 and was promoted to the post of Inspector of Police on 01.06.2010. While filing the present writ petition, petitioner was working as Inspector of Police at Mannargudi Circle, Thiruvarur District. Petitioner would submit that while working as Sub-Inspector of Police at Kulithalai Unit, Karur District, during the year 2001, petitioner was charge sheeted for not maintaining General Diary for the period 15.09.2001 to 05.11.2001 vide charge sheet in February 2006. Further, the 2nd charge memo was issued stating that the petitioner has not forwarded the Station House report to the Deputy Superintendent of Police for the period 18.09.2001 to 04.11.2001 and also for non-submission of Form 95 to the Judicial Magistrate



in 14 cases. Petitioner was charge sheeted along with Deputy Superintendent of Police in the same unit. The charges were initially framed under Rule 3(b) of Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 (hereinafter referred to as “TNPSS (D&A) Rules”). After two and half years, petitioner was awarded with a punishment of stoppage of increment for a period of 6 months without cumulative effect while charge was dropped as against the Deputy Superintendent of Police. Petitioner would submit that he had earlier filed a writ petition before this Court in W.P. No.16477 of 2020, challenging the above disciplinary proceedings with the following prayer:

“Petition filed under Article 226 of the Constitution of India praying to issue a writ of Certiorarified Mandamus to call for the records on the file of the respondents in their proceedings in G.O. (2D) No.655 dated 10.11.2008, G.O.(2D) No.1 P.R.No.09/A4/2006 by the 2nd respondent dated 07.02.2006 and quash the same and consequently directing the respondents to promote the petitioner retrospectively to the post of Inspector of Police w.e.f. 2006 with all service and monetary benefits within the time limit fixed by this Court.”

2.1. However, the aforesaid writ petition was dismissed as withdrawn with liberty to the petitioner to pursue his remedy with the Department. It is submitted by the learned counsel for petitioner that a petition for reconsideration was filed on 29.01.2021 *inter-alia* requesting that the punishment be reduced inasmuch as the charges are only minor in nature and



would only attract Rule 3(a) of TNPSS (D&A) Rules. It was further submitted that as a result of this charge sheet being framed under Rule 3(b) instead of Rule 3(a) of the said Rule, petitioner has been denied promotion along with his juniors. The impugned order has been passed whereby punishment stands reduced from stoppage of increment for a period of 6 months without cumulative effect to one of censure, however, petitioner's request for promotion has not been considered.

2.2. Though, the writ petition has been filed challenging the entire disciplinary proceedings while it was pointed out that even in the petitioner's request for reconsideration, petitioner as a matter of fact admitted that charges would only attract the provisions of Rule 3(a) of TNPSS (D&A) Rules. Learned counsel for petitioner would now submit that the respondent authority may be directed to consider the other prayer/ request for the above petition namely their promotion along with the juniors.

3. On a perusal of the impugned order, this Court finds that there has not been any consideration of the above aspect. When this was pointed out, learned Special Government Pleader for respondent would submit that they would consider and pass orders afresh on the above aspect while also submitting that petitioner has not challenged when the panel was drawn for the relevant year when his name ought to have been included but not included.



4. In that view of the matter, the respondent is directed to consider the petitioner's request for promotion in accordance with law uninfluenced by any observations made herein. The above exercise shall be carried out within a period of 8 weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the case.

5. Accordingly, the writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

16-04-2026

Index: Yes/No
Speaking/Non-speaking order
Neutral Citation: Yes/No
MKA

To:
The Additional Chief Secretary,
Home (SC) Department, Secretariat,
Fort St George, Chennai - 600 009.



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MOHAMMED SHAFFIQ J.

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