



W.P.(MD) No.485 of 2023

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 11.03.2026

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.(MD) No.485 of 2023

K.Raja Karuppasamy

... Petitioner

Vs.

- 1.The Secretary to Government,
State of Tamil Nadu,
Public (Law and Order-A) Department,
Fort St.George, Chennai - 09.
- 2.The Additional Director General of Police
and Inspector General of Prisons, Chennai.
- 3.The Superintendent of Prison,
Salem Central Prison,
Salem District.
- 4.The Superintendent of Prison,
Madurai Central Prison,
Madurai District.

... Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, for issuance of a Writ of Certiorarified Mandamus to call for the records of the impugned letter dated 19.08.2019 bearing No.14191/Po.3/2019 issued by the fourth respondent, quash the same and direct the respondents to provide monetary benefits attached with the petitioners



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service as Chief Head Warder, Grade-II, Grade-I Warder for the period between 25.10.2012 and 29.01.2017.

For Petitioner : Mr.R.Saravanan

For Respondents : Mr.S.Shaji Bino
Special Government Pleader

ORDER

This Writ Petition has been filed seeking issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned letter dated 19.08.2019 bearing No.14191/Po.3/2019 issued by the fourth respondent, quash the same and consequently direct the respondents to provide the monetary benefits attached to the petitioner's service as Chief Head Warder, Grade-I Warder and Grade-II Warder for the period between 25.10.2012 and 29.01.2017.

2. The petitioner herein, while working as a Grade-II Police Constable, was involved in criminal proceedings in S.C.No.305 of 2011 on the file of the I Additional District and Sessions Court, Madurai and simultaneously, disciplinary proceedings were also initiated against the petitioner by the respondents.



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3. Though the petitioner was otherwise eligible for promotion to the post of Grade-I Warder on 03.11.2012, his case was deferred in view of the pendency of the criminal proceedings as well as the disciplinary proceedings. However, subsequently, the said criminal case ended in acquittal on 29.01.2016 and thereafter the respondents also dropped the disciplinary proceedings initiated against the petitioner on 15.03.2016.

4. Thereafter, the petitioner made a claim for consideration of his case for promotion on par with his immediate junior to the posts of Grade-I Warder and Chief Head Warder. The said claim of the petitioner was considered and accordingly, by proceedings dated 28.09.2017, the seniority of the petitioner in the post of Grade-I Warder for the panel year 2012-2013 was restored and he was placed above his immediate junior in the seniority list. Thereafter, the case of the petitioner was considered for further promotion to the post of Chief Head Warder through proceedings dated 04.09.2018 and the said benefit was extended to him with effect from 05.08.2017. The pay of the petitioner was also fixed in the promotional post by extending the notional benefit of promotion. However, the monetary benefits were not extended. Hence, the petitioner made a request for grant of monetary benefits. But the said request of the



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petitioner was negatived by the fourth respondent by passing the impugned proceedings dated 19.08.2019. Aggrieved by the same, the petitioner is before this Court.

5. The fourth respondent has filed a counter affidavit on behalf of the other respondents also and has contended that the petitioner has not actually served in the posts of Grade-I Warder and Chief Head Warder for the period for which the notional benefit was extended to him and therefore, he is not entitled to the monetary benefits for the said period on the principle of “no work, no pay.” He has further contended that the pay of the petitioner has been fixed by duly taking into consideration the entire promotional period notionally and that he is being paid the said pay. He has also contended that the petitioner is not entitled to monetary benefits for the notional period, as he never worked in the posts of Grade-I Warder and Chief Head Warder.

6. Heard Mr.R.Saravanan, learned counsel for the petitioner and Mr.S.Shaji Bino, learned Special Government Pleader appearing for the respondents.



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7. The learned counsel for the petitioner placed reliance on the decision of a Coordinate Bench of this Court dated 06.02.2024 in W.P. No.22804 of 2010 [*V. Dhakshnamoorthy v. Tamil Nadu Warehousing Corporation, rep. by its Executive Committee and others*] and contended that the very same issue had fallen for consideration before this Court in the said case. In the said decision, this Court held that where an employee is denied promotion on account of his involvement in a criminal case or disciplinary proceedings and ultimately the said proceedings end in favour of the employee and he is extended the notional benefit of promotion and pay, the monetary benefits cannot be denied, as there is no fault on the part of the employee. Hence, he contended that the said decision of this Court squarely applies to the case on hand, including on facts.

8. Under these circumstances, this Court required the learned Special Government Pleader appearing for the respondents, on the previous hearing held on 10.03.2026, to ascertain as to whether any appeal had been filed against the said order. Today, the learned Special Government Pleader fairly submits that on verification it is noticed that no appeal has been filed against the said order of this Court dated 06.02.2024 and the same has attained finality.



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9. This Court has carefully gone through the order dated 06.02.2024 passed by a Coordinate Bench of this Court in W.P.No.22804 of 2010 and has examined the facts of the said case as well as the facts of the case on hand. This Court is convinced that the facts of the said case are almost identical to the facts of the case on hand. Therefore, the said decision squarely applies to the case on hand. In the present case, no doubt, the petitioner was involved in a criminal case and was also subjected to disciplinary proceedings. Admittedly, the criminal case ended in acquittal and consequently the departmental proceedings were also dropped by the respondents. The petitioner was also extended the benefit of promotion. But for the pendency of the criminal proceedings and the departmental proceedings, the petitioner would have obtained the benefit of promotion on par with his immediate junior. However, he was deprived of the same due to his implication in the criminal case and the pendency of the departmental proceedings. Once the criminal proceedings ended in acquittal and the departmental proceedings were dropped, there is nothing against the petitioner. The criminal proceedings as well as the departmental proceedings initiated against the petitioner, having ended in his favour, have to be treated as non-existent and the petitioner ought to be placed in the position in which he would have been, but for the



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initiation of the said criminal proceedings and departmental proceedings.

This is what is held by the Coordinate Bench of this Court in the order dated 06.02.2024 in W.P.No.22804 of 2010.

10. This Court does not see any reason to take a different view from the view taken by the Coordinate Bench of this Court in the above decision. In the light of the above and applying the ratio laid down in the said decision, the impugned order cannot be sustained and is hereby quashed. The respondents are directed to release all the monetary benefits for the period during which the notional benefit of promotion and pay was extended to the petitioner in the posts of Grade-I Warder as well as Chief Head Warder, as expeditiously as possible, at any rate within a period of twelve (12) weeks from the date of receipt of a copy of this order.

11. Accordingly, this Writ Petition is allowed. No costs.

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NCC : Yes / No

Index : Yes / No



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MUMMINENI SUDHEER KUMAR, J.

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