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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 06.01.2026

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THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.P.(MD)No.17640 of 2021

J.Ganesan

...Petitioner

Vs

1. The Inspector General of Police,
Railways, Chennai.

2. The Superintendent of Police,
Railways, Crawford, Thiruchirapalli.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of CERTIORARIFIED MANDAMUS to call for the records relating to the order dated 23.01.2020 made in C.No.A3/209/2020 passed by the 2nd respondent and set aside the same as illegal and consequently direct the respondents to notionally promote the petitioner as Gr.-I.P.C. with effect from 01.11.2005 on par with his batch mates by considering his representations dated 03.02.2020 and 26.06.2021 within the period that may be stipulated by this Court.

For Petitioner : M/s.R.Ramanujam

For Respondents : M/s.N.Satheesh Kumar
Additional Government Pleader



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ORDER

The present writ petition has been filed by a Grade-I Constable challenging the order passed by the second respondent and to notionally promote the petitioner as a Grade-I Constable w.e.f.01.11.2005 on par with his batch mates by considering his representation dated 03.02.2020.

2. The petitioner herein was initially appointed as a Grade-II Constable on 01.11.1995. He was promoted as a Grade-I police Constable on 01.11.2006 and then as a Head Constable on 01.11.2011.

3. According to the learned counsel appearing for the writ petitioner, the name of the petitioner should have been considered for promotion to the cadre of Grade-I police Constable w.e.f.01.11.2005 onwards. However, his name was not considered on the said date. Hence, he has given a representation to the respondents. The said representation was rejected under the impugned order on the ground that the petitioner was under the check period after the expiry of punishment period and therefore, his name could not be considered for inclusion in the panel on 01.11.2005. This order is put to challenge in the present writ petition.



4. According to the learned Counsel appearing for the writ petitioner, he was imposed with a punishment on 20.09.2000 of postponement of increment for a period of two years without cumulative effect for a delinquency that he had committed on 23.11.1999. He was also issued with a punishment on 20.09.2000 with the imposition of postponement of increment for a period of one year without cumulative effect for a delinquency committed on 16.05.2000. The third punishment was imposed upon the writ petitioner on 25.03.2001 imposing a punishment of reduction in the scale of pay one stage for one year without cumulative effect for a delinquency that was committed on 06.09.1999.

5. According to the learned Counsel appearing for the writ petitioner, the last punishment was imposed on 20.09.2000. If the check period of 5 years is calculated from the said date, the check period would expire on 20.09.2005. The crucial date for inclusion of his name in the panel for promotion to the post of Grade-I Constable is 01.11.2005. Therefore, his name should have been considered in the panel which was prepared on 01.11.2005. He further submits that the check period of 5 years cannot be calculated from the date of expiry of punishment period. It has to be calculated from the date of imposition of punishment.



6. Per contra, the learned Additional Government Pleader appearing for the respondents submits that the last punishment was imposed upon the writ petitioner on 20.09.2000 imposing a punishment of postponement of increment for a period of one year without cumulative effect. The punishment would cease only in September 2001. If the check period is calculated from September 2001, it would expire only in September 2006. When the crucial date is 01.11.2005, his name cannot be considered. Therefore, it is clear that the contention of the learned Additional Government Pleader appearing for the respondents is that the check period of 5 years has to be calculated only after the lapse of the punishment period.

7. The learned Additional Government Pleader appearing for the respondents had relied upon the circular issued by the Director General of Police on 12.08.2005, wherein the guidelines have been issued for considering the name of the candidates who have suffered punishment. However, this circular cannot have any effect after the issuance of G.O.Ms.No.22, Personnel and Administrative Reforms(S), department, dated 24.02.2014.

8. I have considered the submissions made on either side and perused the materials available on record.



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9. The only issue that arises for consideration is whether the 5 years check period has to be calculated from the date of imposition of punishment or from the date on which the punishment ceases to operate.

10. The schedule XI of the Tamil Nadu State and Subordinate Services Rules was amended by way of G.O.Ms.No.22, Personnel and Administrative Reforms(S), department, dated 24.02.2014. As per the part d(1-h) of the said schedule, if a member of service is imposed with punishment for a delinquency that was committed 5 years prior to the crucial date, the name shall be considered for promotion, if the member of service is not undergoing such punishment on the crucial date. As per clause 1-hh, if the punishment is imposed on a member of service within a period of 5 years prior to the crucial date, it shall be held as against the member of service and the name shall not be considered for inclusion in the approval list.

11. A consolidated reading of both these clauses would make it clear that if a member of service had suffered an order of punishment within a period of 5 years from the date of crucial date, his name cannot be included in the approval list for considering his name for promotion. However, if the delinquency had



been committed 5 years prior to the crucial date, the name of the candidate can be considered for promotion, provided if he is not undergoing punishment.

Therefore, it is clear that the clause 1-h, operates as an exception to clause 1-hh.

12. In the present case, though the petitioner was imposed with a punishment of postponement of increment for a period of one year on 20.09.2000, the delinquency had happened on 16.05.2000. Therefore, if the 5 year check period is calculated from the date of delinquency, the check period will get terminated on 16.05.2005. Even if we calculate the check period of 5 years from the date of punishment, the check period will get terminated on 20.09.2005. In such circumstances, the authorities were not right in passing impugned order rejecting the request of the petitioner for inclusion of his name in the panel for the promotion to the post of Grade-I Constable for which the crucial date is 01.11.2005. It is clear that as on 01.11.2005, the petitioner was not undergoing any punishment and the delinquency was not within a period of 5 years. In such circumstances, this Court is of the considered opinion that the order impugned in the writ petition has to be set aside.

13. In view of the above said deliberations, the order impugned in the writ petition is hereby set aside. Accordingly, this writ petition stands allowed



and the respondents are directed to include the name of the writ petitioner in the panel on 01.11.2005 for the post of Grade-I Constable and pass consequential orders with all attendant benefits. The said exercise shall be completed within a period of 12(twelve) weeks from the date of receipt of a copy of this order. No costs.

06.01.2026

NCC : Yes/No
Index : Yes/No
Internet: Yes/No
RJR

To

1. The Inspector General of Police,
Railways, Chennai.
2. The Superintendent of Police,
Railways, Crawford, Thiruchirapalli.



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R.VIJAYAKUMAR, J.

RJR

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