

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

W.P.No.11870 of 2014
and M.P.No.1 of 2014

O.P.Ramasamy

...Petitioner

Vs.

1. Director General of Police,
No.1, Opposite Queen Marys College,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 600 004.

2. Deputy Inspector General of Police,
Salem Range, Salem.

3. The Superintendent of Police,
District Police Office, Nethimedu,
Salem.

...Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus calling for the records of 2nd respondent in RC.No.A3/756/8582/2010, R.O.No.331/2010 dated 12.08.2010 quash the same insofar as non-inclusion of petitioner herein for promotion and consequently direct the 2nd respondent herein to promote the petitioner to the post of Special Sub-Inspector from the date on which his immediate Junior was promoted and also to grant service and other attendant benefits with effect from 12.08.2010. सत्यमेव जयते

For Petitioner : Mr.A.Edwin Prabakar

For Respondents: Mr.P.Sanjay Gandhi
Additional Govt.Pleader

O R D E R

The petitioner joined the Tamilnadu Police Service as Constable on 25.10.1984. The petitioner was eligible for automatic upgradation as Special Sub-Inspector on completion of ten years of service as Head Constable. It is the grievance of the petitioner that all those who were appointed along with him were upgraded to the post of

Special Sub-Inspector by proceedings dated 12.08.2010. The name of the petitioner was not included in the said panel. The petitioner obtained information under the Right to Information Act. The petitioner was informed that a Charge Memo dated 14.08.2010 was pending against him and that was the reason for non-inclusion of his name in the panel for upgradation as Special Sub-Inspector. The petitioner therefore challenges the order dated 12.08.2010 on the file of the second respondent in so far as his omission is concerned.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader on behalf of the respondents.

3. There is no dispute with regard to the rule position that in case a Head Constable has completed ten years of continuous service, he is eligible to be upgraded as Special Sub-Inspector of Police. The Head Constables promoted from the post of Constable along with the petitioner were all promoted by order dated 12.08.2010. The only reason given by the respondents for non-inclusion of the name of the petitioner in the said panel appears to be the initiation of disciplinary proceedings vide charge memo dated 14.08.2010. The Charge Memo was issued two days after the order dated 12.08.2010. The subsequent issuance of charge memo cannot be taken as a reason to deny upgradation to the petitioner.

4. I am therefore of the view that the petitioner is perfectly correct in his contention that his name was not considered without any justifiable cause.

5. Though the petitioner wanted the impugned order dated 12.08.2010 to be quashed on account of his non-inclusion in the panel, I am of the view that the entire order need not be quashed. The only thing necessary is to protect the interest of the petitioner by issuing a direction to the respondents to include his name in the panel for promotion to the post of Special Sub- Inspector.

6. In the result, a writ in the nature of a writ of mandamus is issued, directing the second respondent to include the name of the petitioner in the panel drawn relating to the order dated 12.08.2010 for upgrading him as Special Sub-Inspector of Police. Such exercise shall be completed within a period of two months from the date of receipt of a copy of this order. It is needless to point out that the petitioner would be eligible for all consequential benefits in accordance with the relevant rules.

7. The writ petition is allowed to the extent indicated above.
No costs. Connected miscellaneous petition is closed.

svki/ds

-s/d-

Assistant Registrar (CS-II)

True Copy

Sub-Assistant Registrar

To

1. The Director General of Police,
No.1, Opposite Queen Marys College,
Dr.Radhakrishnan Salai, Mylapore,
Chennai - 600 004.
 2. The Deputy Inspector General of Police,
Salem Range, Salem.
 3. The Superintendent of Police,
District Police Office,
Nethimedu, Salem.
- + 1 cc to M/s.A.Edwin prabakar, Advocate sR 15896
- + 1 cc to the Government Pleader High Court, Madras SR 15851

mp(co)
prk10/4

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सत्यमेव जयते

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