

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.06.2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.13386 of 2015

And

M.P.No.1 of 2015

J.Gajalakshmi

...Petitioner

Vs.

1. The Secretary to Government,
Home (Police) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.

2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

...Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents herein to include the name of the petitioner in the panel of Sub-Inspector of Police fit for promotion to the post of Inspector of Police 2014-2015 Batch strictly in accordance with Proviso to Rule 25 of the Special Rules for Tamil Nadu Police Sub-Ordinate Service along with her batch mates of the year 2001-2002 by considering the representation dated 21.08.2014 preferred by the petitioner in the light of the G.O.Ms.No.196 HOME (Police) department dated 08.03.2005.

For Petitioner : Mr.M.Ajmal Khan,
Senior Counsel for
M/s.Mohamed Abbas

For Respondents : Mr.S.Gunasekaran
Government Advocate

O R D E R

Heard both sides. By consent the writ petition is taken up for final disposal.

2.The petitioner was provisionally selected for the post of Sub-Inspector of Police in pursuance to the notification of the year 2001-2002. She could not attend the training after selection due to the reason that she was pregnant. Similarly placed candidates like the petitioner who were also on the family way, were allowed to join their training subsequently. The Government also issued G.O.Ms.No.196 Home (Police III) Department dated 08.03.2005 in this regard.

3.According to the petitioner, seniority has to be fixed for all the persons who are recruited pursuant to the notification of the year 2001-2002 based on the marks secured in the training. Just because she was sent a little bit later due to the pregnancy, her seniority shall not be altered to her disadvantage. The petitioner also relied upon Proviso to Rule 25 of the Special Rules for Tamil Nadu Police Sub-Ordinate Service in this regard. The petitioner also relied on the aforesaid G.O.Ms.No.196 Home (Police III) Department dated 08.03.2005. The petitioner made representation dated 21.08.2014 to the second respondent to fix her seniority based on the Proviso to Rule 25 of the Special Rules for Tamil Nadu Police Sub-Ordinate Service and also in the light of the G.O.Ms.No.196 Home (Police III) Department dated 08.03.2005 referred to above.

4.The learned counsel for the petitioner has submitted that though the prayer in the writ petition is to include the name of the petitioner in the panel for promotion to the post of Inspector of Police for the year 2014-2015, the petitioner would be satisfied if the representation dated 21.08.2014 is disposed of in the light of the Proviso to Rule 25 of the Special Rules for Tamil Nadu Police Sub-Ordinate Service and G.O.Ms.No.196 Home (Police III) Department dated 08.03.2005 referred to above and also in the light of the order of this Court dated 17.12.2015 made in W.P.Nos.33475 and 33476 of 2014.

5.In view of the narrow prayer made, the writ petition is disposed of directing the second respondent to pass orders on the representation of the petitioner dated 21.08.2014 in the light of the Proviso to Rule 25 of the Special Rules for Tamil Nadu Police Sub-Ordinate Service and G.O.Ms.No.196 Home (Police III) Department dated 08.03.2005 as well as the order of this Court dated 17.12.2015 made

in W.P.Nos.33475 and 33476 of 2014 within a period of four weeks from the date of receipt of a copy of this order. The second respondent is also directed to forward the aforesaid order to the first respondent to pass a suitable Government Order within a period of four weeks thereafter. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

pri

To

1. The Secretary to Government,
Home (Police) Department,
Secretariat,
Fort St.George,
Chennai - 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

1 CC to M/s.Mohamed Abbas, Advocate SR.No. 25815

1 CC to the Government Pleader, SR.No. 25920

W.P.No.13386 of 2015

And

M.P.No.1 of 2015

EV (CO)

PSI (03.06.2015)

WEB COPY