

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22-07-2015

CORAM

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.21838 OF 2015

K.Ashokan

... Petitioner

-vs-

1. The Government of Tamil Nadu,
rep.by the Secretary to Home Department,
Fort St.George,
Chennai.
 2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai.
 3. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.
- ... Respondents

Petition under Article 226 of the Constitution of India, praying for issuance of a writ of certiorarified mandamus, to call for the records relating to the proceedings in C.No.A2/09594/2015, dated 13.06.2015, passed by the third respondent and quash the same and consequently direct the third respondent to fix the seniority and give the notional promotion with monetary benefits, revising the pension of the petitioner as per the petitioner's representation, dated 14.03.2015.

For petitioner : Mr.M.Thamizhavel

For respondents : Mrs.M.E.Rani Selvam,
Additional Government Pleader.

O R D E R

The petitioner joined the service as Grade-II Police Constable on 05.02.1977; thereafter, he was promoted as Grade-I Police Constable on 18.08.1994 and subsequently, he was further promoted as Head Constable on 18.08.1999.

2. As per G.O.Ms.No.15, Home (Police V) Department, dated 17.01.2010, on completion of 10 years of service as Head Constable and putting in total service of 25 years, the petitioner is entitled to be upgraded as Special Sub-Inspector of Police on 16.08.2009, but, vide the impugned order, dated 13.06.2015, third respondent rejected the claim of the petitioner, on the ground that he did not complete 10 years of service as Head Constable in total service of 25 years.

3. The third respondent issued an order, dated 19.08.2009, granting Selection Grade in the post of Head Constable to the petitioner, on completion of 10 years of service. In the said order of granting Selection Grade, it is stated that the petitioner was promoted as Head Constable on 18.08.1999.

4. That being so, the petitioner retired from service on attaining the age of superannuation on 30.11.2009, after rendering 10 years of service as Head Constable. Hence, the petitioner should have been upgraded as Special Sub-Inspector of Police, on completion of 10 years of service as Head Constable.

5. Therefore, the impugned order of the third respondent, dated 13.06.2015, is quashed in so far as the petitioner alone is concerned and the third respondent is directed to upgrade the petitioner as Special Sub-Inspector of Police with effect from 18.08.2009, within a period of six weeks from the date of receipt of a copy of this order and pay the monetary benefits accordingly.

6. Writ Petition is disposed of in the above terms. No costs.

Sd/-
Assistant Registrar(J)

//True Copy// सत्यमेव जयते

Sub Assistant Registrar

dixit

To

1. The Secretary to Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai.

WEB COPY

2. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai.

3. The Superintendent of Police,
Dharmapuri,
Dharmapuri District.

+lcc to Mr.M.Thamizhavel, Advocate, S.R.No.37190
+lcc to the Government Pleader, S.R.No.37418

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KGK(CO)
CA(27/08/2015)



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