

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 11.08.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.24640/2015

K.Kandasamy

... Petitioner

Versus

1.The Commissioner of police
Chennai City, Vepery,
Chennai 600007.

2.The Director General of Police
Chennai 600 004.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, seeking for a writ of mandamus directing the respondents to grant upgradation as Special Sub Inspector of Police from the year 1998 after completion of 25 years or from 1999, i.e., first month of succeeding date of completion of 25 years, as per G.O.Ms.No.937 dated 21.07.1998 and G.O.Ms.No.15, dated 07.01.2011 and award all benefits including monetary benefits.

For Petitioner : Mr.M.Asokaa

For Respondents : Mr.V.Subbiah, AGP

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he was enlisted as Grade-II Police Constable on 13.12.1973 in the services of the Madras City Police. He subsequently passed B.A.degree in the year 1992. The petitioner was originally working in the Armed Reserved and thereafter, transferred to Crime Branch CID, Madras and again, he was transferred and posted to Vepery [Crimes] Police Station during the year 1983-184 vide order dated 27.02.1984. The petitioner was transferred to Madurai North District and served at Vadipatti Police Station from 10.03.1984 to 10.05.1986 and he was transferred back to the Crime Branch CID Dindigul Anna District.

3.The petitioner has also participated in the test conducted by the CBCID for Grade-II Police Constable and he was not given promotion like others and aggrieved by the same, the petitioner filed OA.No.4279/1993 on the file of the Tamil Nadu Administrative Tribunal to grant promotion as Grade-I Police Constable by including his name in the "C" List for the year 1980 and also pointed out that his junior one Mr.V.Gopal, who had taken part in the test, was given promotion as Grade-I Police Constable. But, the petitioner was not conferred with the same. Similarly, one

Subramani, also filed OA.No.20/1989 and he got favourable orders, based on which, he was promoted as Head Constable and he was conferred with all the benefits including the seniority, back wages etc.

4. On abolition of the Tamilnadu Administrative Tribunal, the said Original Application was transferred to the file of this Court and re-numbered as WP.No.14723/2006 and vide order, dated 13.02.2007, this Court directed the inclusion of the petitioner's name in the "C" List drawn for the promotion to the post of Grade-I Police Constable in the year 1980 and place his name in the appropriate place. The official respondents aggrieved by the said order, filed WA.No.1114/2009 and it was dismissed on 14.09.2009 and so also the Special Leave Petition filed before the Hon'ble Apex Court on 13.04.2014. It is further stated by the petitioner that thereafter the respondents had passed an order, refixing the seniority of the petitioner by including his name in the "C" List of 1980 Junior Promotion Grade-I vide proceedings dated 18.07.2012, with effect from 13.03.1981 ; subsequently promoted him as Head Constable with effect from 10.03.1988, Selection Grade Head Constable with effect from 10.03.1988 and thereafter, promoted the petitioner as Special Sub Inspector of Police from 01.06.2004. The petitioner has retired from service on 30.11.2005. The grievance expressed by the petitioner is that while re-fixing the seniority, the respondents have not taken into consideration G.O.Ms.No.937, Home [Police-III] Department dated 21.07.1998 and as per the said order, the Head Constables, who had completed 25 years of total service, in which 10 years in the category of Head Constables, are eligible for upgradation as Special Sub Inspector of Police with the crucial date 1st June of every year. Hence, the petitioner would claim that he is also entitled for upgradation as Special Sub Inspector of Police after completion of 25 years of service. The petitioner, in this regard, has given numerous representations and the office of the 1st respondent, vide Memo dated 07.11.2014 has called for certain particulars and it was also furnished by the petitioner, vide reply dated 13.03.2015. The petitioner also submitted another representation dated 03.06.2015 requesting the 1st respondent to confer him the said benefits and though it was received and acknowledged, he has not been favoured with any response. Hence, the petitioner came forward to file this writ petition.

5. This Court heard the submissions of the learned counsel for the petitioner and Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents 1 to 4.

6. Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the same, directs the 1st respondent to consider the petitioner's representations dated 13.03.2015 and 03.06.2015 and pass orders on merits and in accordance with law within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken,

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

1.The Commissioner of police
Chennai City, Vepery, Chennai 600007.

2.The Director General of Police
Chennai 600 004

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