

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.8.2015

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THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.26205 of 2015

N. Selva Raj

... Petitioner

-Vs-

1. The State of Tamil Nadu
rep.by its Secretary to Government Home
Department Fort St.George Chennai-9.
2. The Director General of Police
Kamarajar Salai Mylapore Chennai - 4.
3. The Deputy Inspector General of Police
SBCID Mylapore Chennai-4.
4. The Superintendent of Police
SBCID Mylapore Chennai-4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents herein to upgrade the post of the petitioner as Grade-I Police constable/ Head Constable/ Special Sub-Inspector of Police notionally giving monetary benefits in view of G.O.Ms.No.844 Home Department dated 3.6.1997 G.O.Ms.No.937 Home Department dated 21.07.1998 and G.O.Ms.No.15 Home Department dated 7.1.2010 herein in the light of the Judgments rendered by this Honourable Court in W.P. (MD).No.2989/2011 and 2888/2011 order dated 27.06.2011 and W.P.(MD).No.4864/2011 order dated 27.04.2011 and consequently revise his pension and grant him all consequential benefits.

For Petitioner : Mr.V.Karnan

For Respondent : Mr.V.Subbiah

Special Government Pleader

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioner at the time of his retirement on 31.07.2013 was a Sub-Inspector of Police and according to him from the date of his joining till his retirement, rendered his sincere and unblemished service to the satisfaction of his superior officers. It is stated by the petitioner that he got his promotion as Grade I PC on 20.2.1993 and at that time he had completed 19 years of service. The promotion given to him has been delayed. The petitioner got his further promotion as Sub-Inspector of Police on 18.07.2004 after completion of 10 years in the post of Head Constable and here also there was some delay in promoting the petitioner to the said post. The petitioner would further state that the first respondent has passed G.O.Ms.No.844 Home (Pol.V) Department dated 3.6.1997 wherein it is stated among other things that persons, who have completed 10 years of service are eligible to Grade-I PC and five years thereafter, eligible to the post of Head Constable and 10 years of service therein would enable them to get the post of Sub-Inspector of Police. Since the petitioner has completed 30 years of service, he is entitled to the said post. In this regard, he submitted a representation dated 15.06.2015. Since no orders have been passed, came forward to file this writ petition.

3. The learned counsel for the petitioner would submit that the matter in issue is squarely covered by the judgment dated 26.6.2012 made in W.A.Nos.361, 364 and 367/2012 as well as Judgment dated 02.07.2013 made in Review Application (MD).Nos.10 to 12 of 2013 and implementation orders have also been passed by District Police Office, Tirunelveli on 26.3.2015 as well as by Deputy Inspector General of Police, Tirunelveli Range on 27.03.2015. Hence, there is no impediment to consider the name of the petitioner for upgrading the post of the petitioner.

4. Heard the submissions of the learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of respondents.

5. Though the petitioner prayed for a larger relief, this Court, in the light of the facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representation or in this writ petition, directs first respondent to consider and dispose of the petitioner's representation dated

15.06.2015 on merits and in accordance with law after taking note of the above stated Judgments as well as implementation orders, pass orders within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

6. This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government ,State of Tamil Nadu
Home Department, Fort St.George Chennai-9.
2. The Director General of Police
Kamarajar Salai Mylapore Chennai - 4.
3. The Deputy Inspector General of Police
SBCID Mylapore Chennai-4.
4. The Superintendent of Police,
SBCID, Mylapore Chennai-4.

+1cc to Mr.V.Karnan, Advocate, S.R.No.44873
+1cc to the Government Pleader, S.R.No.45188

सत्यमेव जयते

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PUR(CO)
CA(09/09/2015)

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