

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE: 30.9.2015.

CORAM

THE HON'BLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.30751 of 2015

A.Mannu Reddy

Petitioner

vs.

1 The Secretary to Government
Home (Police II) Department
Fort St. George Chennai-9.

2 The Director General of Police
Tamil Nadu
Dr.Radhakrishnan Salai
Mylapore Chennai-4.

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of mandamus directing the respondents to consider the claim of the petitioner for upgradation as Special Sub-Inspector of Police w.e.f. 01.06.2002 on completion of 25 years of service by taking into consideration the total service rendered by the petitioner from 14.11.1976 to 31.05.2014 and grant him all consequential service and monetary benefits including pensionary benefits in the light of the representation made by the petitioner dated 05.08.2015 within a reasonable time.

For Petitioner : Mr.K.Venkataramani, Senior Counsel for
Mr.M.Muthappan

For Respondents: Mr.V.Subbiah, Special Govt. Pleader

ORDER

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

2. The petitioner entered into service as Grade II Police Constable in the District Armed Reserve, Kancheepuram District on 14.11.1976. He was upgraded as Grade I Police Constable 22.7.1994 based on G.O.(D) No.884 Home (Pol.V) Department dated 3.6.1994 and he was further upgraded as Head Constable on 22.7.1999 and further upgraded as Special Sub Inspector of Police on 7.1.2010. The petitioner was promoted as Sub Inspector of Police on 26.1.2011 and was superannuated from service on 31.5.2014. The grievance expressed by the petitioner is that those who have joined service in between 1970 and 1980, except those who have been promoted as Grade I Police

Constables, rest of the Grade II Police Constables were languishing in the lower post and they were given remedy of upgradation as Grade I Police Constable in the year 1994. The petitioner was one such person, who was upgraded as Grade I Police Constable in the year 1994 after serving in the feeder category post for more than 18 years.

3. The petitioner would further contend that though the persons like the petitioner came to be appointed, he was given upgradation only in the year 1994 as Grade I Police Constable and as Head Constable in the year 1999 and as Special Sub Inspector of Police in the year 2011 and the very same issue has been considered in a batch of writ petitions in W.P.(MD) Nos.2889, 2888 and 2864 of 2011 and the writ petitions were allowed on 27.4.2011 and the appeals filed by the respondent, in W.A.Nos.361, 364 and 367 of 2012 were allowed and Review Applications were filed and they were allowed and against the order passed in the Review Applications, the State preferred SLP (C) Nos.19349-19359 of 2014 before the Honourable Supreme Court and they were also dismissed by an order dated 14.7.2014 and subsequently, the orders passed by this court were complied and hence, prays for appropriate orders.

4. Per contra, Mr.V.Subbiah, learned Special Government Pleader appearing for the respondents would submit that in any event, the petitioner is entitled to only notional benefit and drawn the attention of this court to G.O.Ms.Nos.13 and 15 of the first respondent dated 6.1.2010 and 7.1.2010 as well as the proceedings of the Deputy Inspector General of Police, Thirunelveli Range dated 27.3.2015.

5. This court has considered the rival submissions and also perused the materials placed on record. Though the petitioner has prayed for a larger relief, in the light of the facts and circumstances of the case, this court directs the respondents to consider the petitioner's representation dated 5.8.2015 on merits and in accordance with law, in the light of the abovesaid orders and Government Orders/administrative instructions and pass orders within a period of ten weeks from the date of receipt of copy of this order and communicate the decision to the writ petitioner.

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

ssk.

s/d-

Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1 The Secretary to Government
Home (Police II) Department
Fort St. George Chennai-9.

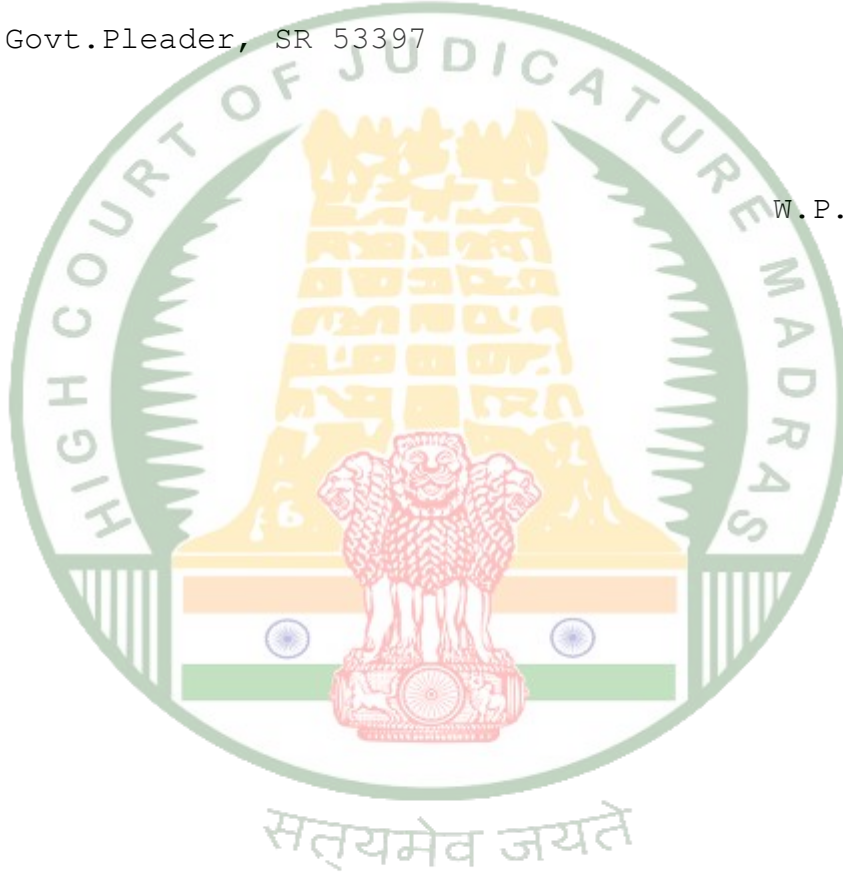
2 The Director General of Police
Tamil Nadu
Dr.Radhakrishnan Salai
Mylapore Chennai-4.

+ 1 cc to M/s.M.Muthappan, Advocate SR 53073

+ 1 cc to Govt.Pleader, SR 53397

skv(co)
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