

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31622 of 2015

N.Radhakrishnan

... Petitioner

Vs.

1 The Secretary to Government
Home (Police II) Dept 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 to consider the claim of the petitioner for upgradation as Special Sub-Inspector of Police w.e.f. 01.06.2004 on completion of 25 years of service by taking into consideration the total service rendered by the petitioner from 17.08.1978 to 28.02.2014 and grant him all consequential service and monetary benefits including pensionary benefits in the light of the representation made by the petitioner dated 09.09.2015 within a reasonable time.

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

For Respondents: Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

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

2.The petitioner joined the services of armed police on 17.08.1978 and was given upgradation as Grade I Police Constable during the year 1994 and given promotion as Head Constable in the year 1999 and became Special Sub Inspector of Police during the year 2010 and retired from service on attaining the age of superannuation on 28.02.2014.

3.The petitioner would state that in terms of the policy

decision introduced by the Government of Tamil Nadu by way of administrative instructions, Police personnels who have completed 25 years of service out of which 10 years as Head Constable were given upgradation as Special Sub Inspectors of Police and thereafter, promotion as Sub Inspectors of Police through range promotion board and it was abolished and a category called Special Sub Inspector of Police was introduced with further direction that the next promotion to the post of Sub Inspector is to be based on total service seniority and accordingly, the persons who were appointed from 1984 were given the said benefit, whereas, persons like the petitioner who were appointed in the year 1976 were given upgradation as Grade I Police Constable only in the year 1994 and Head Constable in the year 1999 and Special Sub-Inspector of Police in the year 2011.

4. In this regard very many writ petitions have been filed wherein, this Court has directed to grant notional promotion on the basis of their appointment and writ appeals, review application as well as SLP filed before the Hon'ble Supreme Court has also ended in dismissal. The orders were also implemented and one such order was passed by the Deputy Inspector General of Police, Tirunelveli Range vide proceedings in C.No.A1/12265/2013 F.O.O.No.141/2015 dated 27.03.2015. The petitioner in this regard has submitted a representation dated 09.09.2015 to the second respondent and since no orders have been passed, came forward to file this writ petition.

5. The learned Senior Counsel appearing for the petitioner would submit that in similar facts and circumstances, this Court vide order dated 30.09.2015 made in W.P.No.30751 of 2015 has directed the second respondent to consider the representation of the petitioner and to pass appropriate orders in the light of the above said proceedings within a stipulated time and hence, prays for appropriate orders.

6. Heard the submissions of Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioner and Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents.

7. Though the petitioner prayed for the larger relief, this Court in the light of the above facts and circumstances, directs the second respondent to consider and dispose of the petitioner's representation dated 09.09.2015 on merits and in accordance with law after taking note of G.O.Ms.No.844, Home (Police V) Department, dated 03.06.1997, G.O.Ms.No.1247, Home (Police V) Department, dated 28.10.2004, G.O.Ms.No.13, Home (Police V) Department, dated 06.01.2010, G.O.Ms.No.15, Home (Police V) Department, dated 07.01.2010 as well as proceedings of the Deputy Inspector General of Police, Tirunelveli Range dated 27.03.2015 and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate

the decision taken, to the petitioner.

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

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

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To

1 The Secretary to Government
Home (Police II) Dept Fort St George
Chennai - 600 009

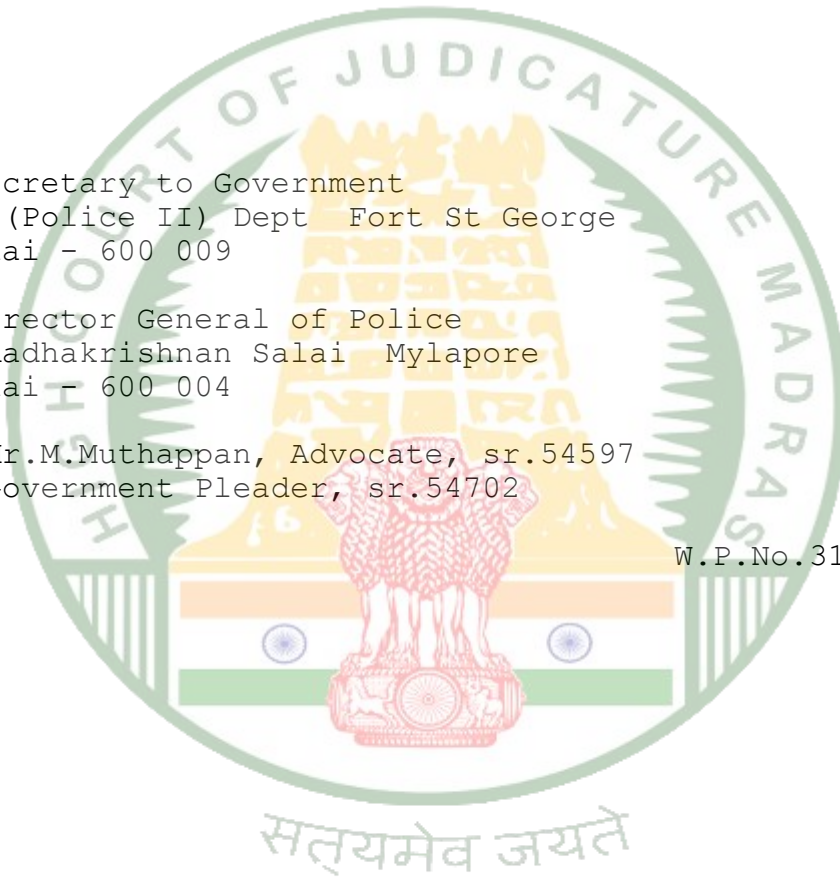
2 The Director General of Police
Dr. Radhakrishnan Salai Mylapore
Chennai - 600 004

+1 cc to Mr.M.Muthappan, Advocate, sr.54597

+1 cc to Government Pleader, sr.54702

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