

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31948 of 2015

A.Ubagarasamy

... Petitioner

Vs.

1 The Principal Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009.

2 Director General of Police,
Chennai 600 004.

3 The Superintendent of Police,
Salem 636 001

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd respondent herein to notionally promote the petitioner as Special Sub Inspector of Police on completion of 25 years of service as per G.O.M. No.15 Home (Police IV) Department dated 7.1.2010 and in the light of the Division Bench Judgment rendered in W.A. (MD) Nos.1506/2011 etc. batch dated 17.6.2013 together all consequential monetary and service benefits based on the petitioner's representation dated 15.06.2015, within a time frame as deem fit by this Honourable Court.

For Petitioner : M/s.G.Bala and Daisy

For Respondents: Mr.V.Subbiah
Special 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 Tamil Nadu Police as Grade - II Police Constable on 13.08.1973 and was promoted as Grade-I Police Constable on 10.02.1993 and got further promotion as Head Constable on 31.03.1997. The petitioner was further promoted as Sub-Inspector of Police on 26.05.2003 and

he retired from service on attaining the age of superannuation on 31.03.2007

3.The petitioner would state that in terms of G.O.Ms.No.15 Home (Police V) Department, dated 07.01.2010, the Constables who have completed 25 years of service, out of which 10 years of service have been completed as Head Constables and not able to get regular promotion as Sub-Inspectors of Police may be given upgradation as Special Sub-Inspectors of Police from the first of the month succeeding the date of completion of 25 years of service by the respective Deputy Inspector General of Police/ Commissioners of Police and based on which the first respondent has also issued an order dated 31.01.2010.

4.It is further stated by the petitioner that in W.A.(MD) No.1506 of 2011 batch etc (The Government of Tamil Nadu, represented by its Home Secretary, Fort St.George, Chennai 600 009 and others Vs. V.Samy and others), the Hon'ble Division Bench has held that all the Police Personnel who had completed 25 years of service, are entitled for upgradation as Special Sub Inspectors of Police and similar order has also been passed in R.A.Nos.10 to 12 of 2013 in W.A.Nos.361, 364 and 367 of 2013 and the said judgment was also put to challenge before the Hon'ble Supreme Court in SLP (C) Nos.9754 - 9756 of 2014 and vide order dated 17.07.2014, the SLPs are dismissed and the said orders were also implemented by the District Police Office, Tirunelveli vide proceedings dated 26.03.2015 in D.O.No.326 of 2015 - C.No:A2/58801/2014 and since the petitioner is similarly placed, came forward to file this writ petition.

5.The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of the documents and would submit that since the petitioner is similarly placed, similar order may be passed and prays for appropriate orders.

6.This Court heard the submissions of Mr.V.Subbiah, learned Special Government Pleader who accepts notice on behalf of the respondents.

7.This Court heard the rival submissions and also perused the materials placed before it.

8.Though the petitioner prays 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 14.07.2015 on merits and in accordance with law and in the light of the above said order passed by the Hon'ble Supreme Court, this Court as well as the implementation order of the District Police Office, Tirunelveli vide proceedings dated 26.03.2015 in D.O.No.326 of 2015 - C.No:A2/58801/2014 and pass orders within a period of eight

weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

9.The 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 Principal Secretary to Government,
Home Department,
Fort St. George,
Chennai 600 009.
- 2 Director General of Police,
Chennai 600 004.
3. The Superintendent of Police,
Salem 636 001

+1cc to M/s. G. Bala & Daisy, Advocate, S.R.No.55207
+1cc to the Government Pleader, S.R.No.55524

PA(CO)
EU(03/11/2015)

सत्यमेव जयते

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