

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.33759 of 2015

K.Saminathan

... Petitioner

v.

- 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 Additional Director General of Police
Economic Offence Wing
Kamarajar Salai
Mylapore, Chennai 4
 - 4 The Superintendent of Police
Economic Offence Wing II
Guindy, SIPCOT
Chennai 32
- ... 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 21.7.1998 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 27.6.2011 and W.P.(MD) No.4864/2011 order dated 27.4.2011 and consequently revise the petitioner pension and grant the petitioner all consequential benefits.

For Petitioner : Mr.V.Karnan

For Respondents: Mr.S.Gunasekaran
Govt. Advocate

O R D E R

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

2. The petitioner was appointed as Grade- II Police Constable on 04.02.1977 and got his promotion as Grade-I Police Constable on 01.10.1994 and further got up gradation of Head Constable on 01.08.1999 and also promoted as Special Sub Inspector of Police on 07.01.2010 and retired from service on 30.06.2014.

3. The petitioner would state that in terms of G.O.Ms.No.844 Home (Pol.V) Department, dated 03.06.1997, Grade II Police Constables, who have completed 10 years of service were promoted as Grade I Police Constables and Grade I Police Constables, who have completed 5 years of service were promoted as Head Constables, in terms of G.O.Ms.No.937, dated 21.07.1998, Grade II Police Constables, who have completed 25 years of service were promoted as Special Sub Inspectors of Police and in terms of G.O.Ms.No.15 Home (Pol.V) Department, dated 07.01.2010, Police personnel, 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 were promoted as Special Sub-Inspectors of Police and in this regard, very many writ petitions were filed seeking for similar relief and challenge made by them were successful and therefore, concerned persons were granted notional benefits by virtue of up gradation of Head Constables and Special Sub-Inspectors of Police. Since the petitioner is also similarly placed, submitted a representation dated 22.09.2015 to the respondents in this regard. Since no orders have been passed, came forward to file this writ petition.

4. Learned counsel for the petitioner would submit that persons similarly placed, viz., D.Thangapandiyan, S.Michel Antony and R.Paul Durai, have filed WP (MD) Nos.2989, 2888 and 2864/2011 before the Madurai Bench of this Court and got favourable orders. The said order was put to challenge in WA (MD) Nos.361, 364 and 367/2012, which had ended in dismissal and so also the SLP (Civil) Nos.19349 to 19351/2014 by the Hon'ble Supreme Court of India and hence, prays for similar relief.

5. Heard the submissions of Mr.V.Karnan, learned counsel for the petitioner and Mr.S.Gunasekaran, learned Government Advocate, who accepts notice on behalf of respondents.

6. 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 case, directs the 1st respondent to consider and dispose of the petitioner's representation dated 22.09.2015 on merits and in accordance with law, after taking note of implementation order by the Deputy Inspector General of Police, Tirunelveli range in R.O.O.No.1441/2015 in C.No.A1/12265/2013 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.

This Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VII)

//True Copy//

Sub Assistant Registrar

Rj
To

- 1 The Secretary to Government
Home Department
Fort St. George Chennai 9
- 2 The Director General of Police
Kamarajar Salai
Mylapore, Chennai 4
- 3 The Additional Director General of Police
Economic Offence Wing
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- 4 The Superintendent of Police
Economic Offence Wing II
Guindy, SIPCOT
Chennai 32

+1cc to Mr.Karnan, Advocate, S.R.No.58258

+1cc to the Government Pleader, S.R.No.58113

MG(CO)
EU(17/11/2015)

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