

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34171 of 2015

K.Panchatcharam

... 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 praying for issuance of a Writ of Mandamus directing the respondents to consider the claim of the petitioner for upgradation as Special Sub-Inspector of Police with effect from 01.06.2001 on completion of 25 years of service by taking into consideration the total service rendered by the petitioner from 15.06.1976 to 30.06.2014 and grant him all consequential service and monetary benefits including pensionary benefits in the light of the representation made by the petitioner dated 06.10.2015 within a reasonable time.

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

For Respondents: 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 would state that he has entered service as Grade-II Police Constable, Chengalapt, East Direct on 15.06.1976 in the District Armed Reserve, St. Thomas Mount, Chennai -16 and was transferred to Law and Order in the year 1986 and thereafter, got transferred to Kancheepuram District in the year 1993. Kanchipuram District was bifurcated and the

petitioner opted to serve in the new bifurcated Tiruvallur District and got his up-gradation as Grade-I Police Constable on 22.07.1994. The petitioner was also upgraded as Special Sub-Inspector of Police on 07.01.2010 and by virtue of seniority, the petitioner was promoted as Sub-Inspector of Police on 27.01.2013 and on attaining the age of superannuation, he retired from service on 30.06.2014 after rendering 38 years of service and claims to have received 76 rewards.

3. It is further stated by the petitioner that prior to 1991, the promotion from the post of Grade-II Police Constable to Grade-I Police Constable was not on the basis of seniority, but purely based on the test conducted and no service rules were also provided at that point of time and however, the promotion to the post of Grade-II Police Constable to the post of Grade-I Police Constable, two types of promotions have been made viz., Grade-II Police Constables, who have passed SSLC and those who have not passed SSLC, with a minimum period of 10 years as Grade-II Police Constables, though the minimum educational qualification is a pass in 8th std.

4. The said procedure was put to challenge before the Tamil Nadu Administrative Tribunal, who issued direction to promote Grade-II Police Constables based on seniority. It is further stated by the petitioner that in the year 1994, the Government issued a policy decision and as a consequence, 16,000 Grade-II Police Constables were upgraded as Grade-I Police Constables as one time measure and from that year onwards, the persons, who were serving as Grade-II Police Constables for a period of 10 years to be upgraded on completion of 5 years as Grade-I Police Constable and further upgradation has been given as Head Constables.

5. In the year 1998, one more policy decision was introduced, stating that those who have completed 25 years of service as Head Constables have to be upgraded as Special Sub Inspector of Police and further promotion as Sub Inspector of Police through range promotion and introduced the category of Sub Inspector of Police and the next promotion to the post of Sub Inspector of Police was based on the total service. The grievance expressed by the petitioner is that though they were appointed in the year 1976, the upgradation was given only in the year 1994 as Grade-I Police Constable, as Head Constable in the year 1999 and as Special Sub-Inspector of Police in the year 2010 and it is arbitrary and it is also put to challenge in W.P. (MD)Nos.2889 and 2864 of 2011 by C.Thangapandian, Michael Anthony and R.Paul Durai and it was allowed and the State filed appeals in W.A.Nos.361, 364 & 367 of 2012 and it was allowed and the petitioner therein filed Review applications and they were allowed and Special Leave petitions prepared by the State were also dismissed and thereafter, the said orders were also given

effect to vide proceedings of the Superintendent of Police, Tirunelveli dated 26.03.2015 as well as by the proceedings of Deputy Inspector General of Police, Tirunelveli dated 27.03.2015. In this regard, he has also submitted a representation dated 06.10.2015 to the respondents and since no orders have been passed, the petitioner came forward to file this writ petition.

6. Heard Mr.K.Venkataramani, learned Senior Counsel for Mr.M.Muthappan, learned counsel appearing for the petitioner and Mr.V.Subbiah, learned Special 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 facts and circumstances, directs the 1st respondent to consider and dispose of the petitioner's representation dated 06.10.2015 on merits and in accordance with law, after taking note of the above cited orders as well as the proceedings of the Superintendent of Police, Tirunelveli and Deputy Inspector General of Police, Tirunelveli 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.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

vsm

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 Mr.M.Muthappan, Advocate, sr.58433
+1 cc to Government Pleader, sr.58756

W.P.No.34171 of 2015

ctk co,
kra 18.11.2015