

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.11.2015

CORAM:

THE HONOURABLE Mr.JUSTICE R.MAHADEVAN

W.P.No.36726 of 2015

M.Selvakumar

... Petitioner

Vs

1.The Secretary to Government,
Home (Police III) Department,
Fort St. George, Chennai 600 009.

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

...Respondents

Writ petition has been filed under Article 226 of the Constitution of India for the issuance of writ of Mandamus, to direct the respondents to pass orders on the representation made by the petitioner dated 05.10.2015 to grant him seniority in the cadre of Sub Inspector of Police (Armed Reserve) at par with his junior A.Subbiah Pandian w.e.f. 05.08.2004 with all consequential benefits with a reasonable time.

For Petitioner : Mr.M.Muthappan

For Respondents : Mrs.M.E.Rani Selvam
Additional Government Pleader

ORDER

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

2.The petitioner filed this writ petition seeking a writ of Mandamus, directing the respondents to consider and pass orders on his representation dated 05.10.2015 by granting seniority in the cadre of Sub Inspector of Police (Armed Reserve) on par with his junior by name A.Subbiah Pandian, with all consequential benefits.

3.It is the case of the petitioner that he joined the service as Grade II Police Constable in the District Armed Reserve on 25.05.1988. After getting various promotions, he was lastly promoted as Sub Inspector of Police (Armed Reserve) on 05.01.2007 and he has been continuing as such.

4.It is the further case of the petitioner that one

A.Subbiah Pandian, who was junior to the petitioner in the cadre of Head Constable (Armed Reserve), approached this Court by filing WP.No.27036 of 2005 (OA No.1042 of 2003), wherein, this Court by order dated 13.04.2006, directed the respondents therein to place the petitioner therein above his juniors in the appropriate promotional post and give him all service benefits and other further promotions. The said order was also confirmed in W.A.No.500 of 2008 dated 16.06.2008 and further confirmed by the Hon'ble Supreme Court in SLP (Civil) No.10319 of 2009 dated 20.04.2009. Pursuant to the same, the name of A.Subbiah Pandian was included in the promotional list for Head Constable (AR) on par with his juniors and was promoted as Sub Inspector of Police (Armed Reserve) and was further granted all service and monetary benefits. Hence, the petitioner made a representation dated 05.10.2015 to the first respondent, requesting to grant similar benefits to him. Since the same was not considered, the petitioner is before this court.

5.Heard both sides.

6.Considering the facts and circumstances of the case, this Court, without going into the merits of the case, directs the first respondent to consider the petitioner's representation dated 05.10.2015 and pass appropriate orders, on merits and in accordance with law, within a period of 10 weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner.

7.The writ petition is disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS V)

/true copy/

Sub Asst. Registrar

rk

To

1.The Secretary to Government,
Home (Police III) Department,
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.62360

+1 cc to Government Pleader, sr.62633

W.P.No.36726 of 2015

mg co

kra 14.12.2015