

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2015

CORAM:

THE HONOURABLE MR. JUSTICE K.K.SASIDHARAN

Writ Petition No.3866 of 2015
& M.P.No.1 of 2015

1 A.Malaisamy .. Petitioner

Vs

- 1 The Commissioner of Police
Office of the Commissioner of Police
Egmore
Chennai 600 008
- 2 The Assistant Commissioner of Police (Head Quarters) /
Public Information Officer
Office of the Chennai City Police
Vepery, Chennai 600 007

- 3 The Director
Anti Corruption and Vigilance Department
NLB-21, Kumarasamy Raja Salai
Greenways Road
Chennai 600 028 .. Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of Certiorari calling for the records on the file of the 2nd respondent in Na.Ka.No.Pa.Pi.3(1)/136 / 36202-A/2014 dated 06.06.2014 and quash the same and further direct the 1st respondent to grant notional promotion to the petitioner as Special Grade Sub Inspector as following G.O.Ms.No.937 Home (Police) Department dated 21.07.1998 with effect from 16.1.2008 and pay all attended benefits thereupon.

For Petitioner : Mr.K.V.Sajeevkumar

O R D E R

The petitioner challenges the order dated 6.6.2014 on the file of second respondent, whereby and whereunder his request for notional promotion as Special Sub Inspector of Police in accordance with the Government Order in G.O.Ms.No.937, Home (Police) Department dated 21.7.1998, was rejected.

2. The petitioner was initially appointed as Police Constable on 13.2.1973. The petitioner on attaining the age of superannuation retired on 31.5.2008. It is the grievance of the petitioner that he was not given promotion to the post of Special Sub Inspector in accordance with the Government Order in G.O.Ms.No.937, Home (Police) Department dated 21.7.1998, which provides that Constables who have put in 25 years of service and as Head Constable for a period of 10 years should be given promotion automatically as Special Sub Inspector. The petitioner appears to have obtained information by invoking the provisions of Right to Information Act long after his retirement and by using those materials, called upon the second respondent to promote him as Special Sub Inspector notionally. The said representation was rejected by the second respondent.

3. The petitioner has placed reliance on a Government Order in G.O.Ms.No.937, Home (Police) Department dated 21.7.1998. The said Government Order was very much available, when the petitioner was serving as Head Constable. Nothing prevented him from approaching the respondents or taking recourse to the manner known to law, for a direction to extend him the benefits of the Government Order in G.O.Ms.No.937, Home (Police) Department dated 21.7.1998. The petitioner retired on 31.5.2008 and long after his retirement, he has made a claim that he should be promoted to the post of Special Sub Inspector. The affidavit filed in support of the petition does not contain any reasons much less justifiable reasons to condone the delay in filing the Writ Petition. The petitioner has made a claim for promotion seven years after his retirement. The petitioner is guilty of laches. Therefore, I do not find any merit in the contentions raised on behalf of the petitioner.

4. In the upshot, I dismiss the Writ Petition. No costs. The connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

ajr

To

1 The Commissioner of Police
Office of the Commissioner of Police
Egmore
Chennai 600 008

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2 The Assistant Commissioner of Police(Head Quarters)/
Public Information Officer
Office of the Chennai City Police
Vepery, Chennai 600 007

3 The Director
Anti Corruption and Vigilance Department
NLB-21, Kumarasamy Raja Salai
Greenways Road
Chennai 600 028

+ 1 cc to Mr. Royal Law Associates, SR.8132

+ 1 cc to M/s. Government Pleader Sr.8433

W.P.No.3866 of 2015

CNR(CO)
EU 06.03.15



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