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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 08.10.2015

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)No.18211 of 2015
and
M.P(MD)No.1 of 2015

Santhakumari

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

PRAYER:- Writ petition is filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order in Na.Ka.No.A1/12806/2015 passed by the first respondent, dated 11.09.2015 and quash the same and consequently directing the respondents to give notional promotion to the petitioner's deceased husband namely Muthukutti in the light of the order in C.No.A1/12265/2013/R.O.O.No.141/2015, dated 22.03.2015.

For Petitioner : Mr.M.Ramu

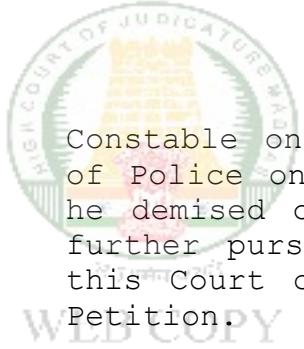
For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

This Writ Petition has been filed by Santhakumari, seeking a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned rejection order in Na.Ka.No.A1/12806/2015 passed by the first respondent dated 11.09.2015 and quash the same and consequently directing the respondents to give notional promotion to the petitioner's deceased husband namely Muthukutti in the light of the order in C.No.A1/12265/2013/R.O.O.No.141/2015 dated 22.03.2015.

2. Mrs.S.Bharathi, learned Government Advocate takes notice for the respondents.

3. The learned counsel appearing for the petitioner would submit that the petitioner's husband was appointed as a Grade-II Constable on 21.02.1977. Subsequently, he was promoted as Grade-I Constable on 08.09.1994. After five years period, he was again promoted as Head



Constable on 22.07.1999. Again, he was promoted as Special Sub-Inspector of Police on 07.02.2010 and he retired from service on 31.07.2012. Since he demised on 21.01.2015, the petitioner being the legally wedded wife, further pursuing the matter for getting notional promotion, has come to this Court challenging the impugned rejection order in the present Writ Petition.

4. On the basis of G.O.Ms.No.844, Home (Pol.V) Department, dated 03.06.1997 and also in the light of an order passed by this Court, the learned counsel would further submit that the petitioner has already filed W.P(MD)No.9749 of 2015 praying this Court to consider her representation, dated 19.05.2015 in the light of the order passed in C.No.A1/12265/2013/R.O.O.No.141/2015, dated 27.03.2015, in which, this Court directed the second respondent to consider her representation, but the respondents have wrongly passed the present impugned order.

5. Continuing his argument, the learned counsel for the petitioner would further submit that the petitioner's husband has totally put in 33 years of service in the Police Department. As per G.O.Ms.No.844, Home (Pol.V) Department, dated 03.06.1997, on completion of 10 years in the post of Grade-II Constable, he should be upgraded as Grade-I Constable. After five years of service in the post of Grade-I Constable, he should be promoted to the post of Head Constable and after serving 10 years as Head Constable he should be promoted to the post of Special Sub-Inspector of Police. These things have not been followed, which is running contrary to G.O.Ms.No.844, Home (Pol.V) Department, dated 03.06.1997. Therefore, the petitioner's husband has given several representations, but the same were not considered, hence, the petitioner has taken up the matter to consider her as a legal heir of the petitioner's husband, but the respondents have wrongly passed the impugned order and therefore, the same is liable to be set aside, he pleaded.

6. The learned Government Advocate would submit that the contention made by the learned counsel for the petitioner that G.O.Ms.No.844, Home (Pol.V) Department, dated 03.06.1997 should be applied in letter and spirit, is far from acceptance, because, the petitioner's husband having voluntarily retired from service after promoted to the post of Special Inspector of Police, hence, the petitioner's husband is not covered by the said G.O.Ms.No.844, Home (Pol.V) Department dated 03.06.1997.

7. Continuing his arguments, the learned Government Advocate would submit that in similar circumstances, this Court while repelling such arguments has held against similarly placed persons that the prayer for promotion to the post of Special Sub-Inspector of Police on the basis of G.O.Ms.No.844, Home (Pol.V) Department dated 03.06.1997 cannot be considered, since the said G.O.Ms.No.844, Home (Pol.V) Department, dated 03.06.1997 was issued only as a one time scheme. This Court finds some merits in the submission.

8. Since this Court has already taken a view in M.Vadivel v. the Deputy Inspector General of Police (W.P.No.22240 of 2015, dated 23.07.2015) that G.O.Ms.No.844, Home (Pol.V) Department, dated 03.06.1997 cannot be applied in future as it is a one time scheme allowed by the



State Government, this Court is not inclined to see any merits in the Writ Petition. Accordingly, the Writ Petition fails and the same is dismissed. No costs. Consequently, connected Miscellaneous Petition is also closed.

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Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar
Madurai Bench of Madras High Court,
Madurai.

To

1.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

2.The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+1cc to Special Government Pleader in SR.No. 59761.

TS/08.12.2015/3P-4C/NGM-SS

W.P. (MD) No.18211 of 2015
and
M.P (MD) No.1 of 2015

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