



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 25.02.2015

CORAM :

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

Writ Petition (MD) No.2449 of 2015

and

M.P(MD)No.1 of 2015

S.Dhanaraj

... Petitioner

Vs.

1.The Director General of Police,
Mylapore,
Chennai 600 004.

2.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.

3.The Superintendent of Police,
Theni District,
District Police Office,
Theni.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the representation dated 18.12.2010 and 09.12.2013 sent by the petitioner and to upgrade the petitioner as Grade I Police Constable with effect from 15.12.1989 F.N and to upgrade as Head Constable with effect from 15.12.1994 F.N. and to upgrade as Special Sub Inspector of Police (SSI) with effect from 15.12.2004 F.N and regularly promote the petitionenr as "Sub Inspector of Police" based on the upgradation as Head Constable from 15.12.1994 F.N and grant all the service and monetary benefits within a time limit to be fixed by this Honourable Court.

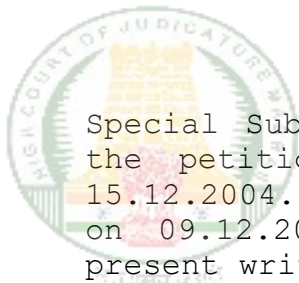
For Petitioner : Mr.A.Thirumurthy for
M/s.Victory Associates

For Respondents : Mr.S.Kumar,
Additional Government Pleader.

ORDER

Heard the learned counsel appearing for the petitioner and Mr.S.Kumar, learned Additional Government Pleader takes notice for the respondents. By consent, the writ petition itself is taken up for final disposal at the admission stage.

2.The petitioner seeks for promotion to the post of Sub Inspector of Police. According to the petitioner, he is entitled to get such promotion from 15.12.2004 and however, the second respondent through proceedings dated 11.09.2012 has given promotion to the petitioner as



Special Sub Inspector of Police with effect from 01.08.2012. Therefore, the petitioner seeks for promotion retrospectively with effect from 15.12.2004. Even though a representation is made to the first respondent on 09.12.2013, the same has not been considered and therefore, the present writ petition has been filed.

WEB COPY 3.Mr.S.Kumar, learned Additional Government Pleader appearing for the respondents submitted that the petitioner was rightly given promotion to the post of Special Sub Inspector of Police with effect from 01.08.2012 through proceedings dated 11.09.2012.

4.Considering the fact that the petitioner is seeking retrospective promotion with effect from 15.12.2004, it is for the second respondent to consider such claim and pass orders on the same on merits and in accordance with law and therefore, this Court is not expressing any view on the claim made by the petitioner. As the second respondent is the competent authority to consider the claim of the petitioner, this writ petition is disposed of with liberty to the petitioner to make a fresh representation to the second respondent within a period of four weeks from the date of receipt of a copy of this order. If any such representation is made, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of twelve weeks thereafter. No costs. Consequently, M.P.(MD)No.1 of 2015 is closed.

Sd/-
Assistant Registrar(AE)

\\True copy\\

Sub Assistant Registrar

To

- 1.The Director General of Police, Mylapore, Chennai 600 004.
- 2.The Deputy Inspector General of Police,Dindigul Range, Dindigul.
- 3.The Superintendent of Police, Theni District, District Police Office, Theni.

+1 CC TO M/S.VICTORY ASSOCIATES SR.NO.8675

+1 CC TO THE SPL.GOV.T.PLEADER SR.NO.9495

Writ Petition (MD) No.2449 of 2015
and
M.P(MD)No.1 of 2015
25.02.2015

SMS
NA/05/03/2015/P2/6C