

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.01.2016

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THE HONOURABLE MR. JUSTICE K.KALYANASUNDARAM

W.P.No.137 of 2016

Pa.Moorthy

.. Petitioner

Vs.

The State of Tamil Nadu
Rep. By the Principal Secretary to Government
Home (SC) Department,
Secretariat, Chennai-9.

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 to direct the first respondent herein to consider the claim of the petitioner for upgrading the Grading as awarded by the reporting officer and the scrutinizing officer in the SCR for the period between 10.06.2009 to 17.02.2010 as outstanding on the basis of the petitioner's performance as reflected in the self assessment report and the appreciation certificates, pertaining to the said period and in the light of the petitioner appeal dated 25.11.2015, preferred against the order of the second respondent dated 28.10.2015 along with the petitioner additional representation dated 23.12.2015 and to pass appropriate orders within a limited time frame and in any event, prior to the commencement of the selection process for appointment to IPS under the Indian Police Service (Appointment by Promotion) Regulations, 1955 for the year 2014.

For Petitioner : M/s.M.Ravi

For respondents :M/s.V.Jayaprakash Narayanan, Spl.GP.

O R D E R

The petitioner filed the writ petition seeking for direction to the first respondent to consider the claim of the petitioner for upgrading the grading awarded by the reporting officer and the scrutinizing officer in the SCR for the period between 10.06.2009 to 17.02.2010 as outstanding on the basis of the performance by the petitioner.

2.The case of the petitioner is that in pursuance of the notification issued by the Tamil Nadu Public Service Commission in the year 1996, he was selected and appointed as Deputy Superintendent of Police (Category-I) on 01.06.1998. After completing his basis training, he served in six sensitive sub divisions and promoted as Additional Superintendent of Police on 01.04.2006 and promoted as Superintendent of Police on 12.10.2007.

3.According to the petitioner, he discharged his service to the entire satisfaction of his superiors and for the benefit of common public. The petitioner has got 36 appreciations/commendation certificates/Letters from the superiors of the police department and other Government departments.

4.The grievance of the petitioner is that when his seniors were conferred with the Indian Police Service within a period of 10 to 12 years, he waited for more than 17 years and in the year 2013 selection list for appointment of Indian Police Service, the petitioner was not considered, while three of his juniors were included in the list. Then only the petitioner came to know that due to non awarding of grading and downgrading of good by the scrutinizing officer/reporting officer, the petitioner was not included in the list.

5.The petitioner would further state that the Government of Tamil Nadu issued a GO.Ms.No.121, P&AR (S) Department dated 29.09.2011, providing necessary guidelines prescribed for making necessary representations, even against the overall grading/downgrading in the Confidential Reports. Therefore, the petitioner made representation to review and reconsider the grading for the year 2008-2009, 2009-2010. The second respondent rejected the application, therefore, he made an appeal to the first respondent dated 25.11.2015 and a representation dated 23.12.2015. Since, they were not considered, the petitioner filed the present writ petition.

6.Heard the submissions of Mr.M.Ravi, learned counsel appearing for the petitioner and Mr.V.Jayaprakash Narayanan, Special Government Pleader who accepts notice on behalf of the respondents.

7.Though the petitioner prayed for a larger relief, this Court in the light of the facts and circumstances and without going into the merits of the case, directs the first respondent to consider the appeal/and the representation dated 25.11.2015 and 23.12.2015 respectively and pass orders on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

8.The Writ Petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary to Government
State of Tamil Nadu
Home (SC) Department,
Secretariat, Chennai-9.

2. The Director General of Police,
Tamil Nadu, Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.

+1 cc to Mr.M.Ravi, Advocate, sr.681
+1 cc to Government Pleader, sr.1000

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kra 4.2.2016

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