

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 06-06-2016

Coram :

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Writ Petition No. 23183 of 2012

N. Anbalagan

.. Petitioner

Versus

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

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

.. Respondents

Petition filed under Article 226 of The Constitution of India praying for a Writ of Certiorarified Mandamus calling for the records of the second respondent in connection with the impugned order passed by him in RC No.190046/GB II(1)/2011 dated 14.11.2011 and quash the same and further direct the respondents to consider the claim of the petitioner for inclusion of his name in the panel of Inspector of Police fit for promotion by recruitment by transfer as Deputy Superintendent of Police, Category-I for the panel year 2009-2010 and promote him notionally as Deputy Superintendent of Police, Category-I and grant him all consequential service and monetary benefits.

For Petitioner : Mr. M. Muthappan

For Respondents : Mr. K. Rajendra Prasad
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner challenging the order dated 14.11.2011 of the second respondent by which the request of the petitioner for inclusion of his name in the panel of Inspector of Police fit for promotion by recruitment by transfer as Deputy Superintendent of Police, Category-I for the panel year 2009-2010 was rejected.

2. The core issue which arise for consideration in this writ petition is as to whether the petitioner is eligible for inclusion of his name in the panel drawn for promotion to the post of Deputy Superintendent of Police from among the Inspectors of Police for the panel year 2009-2010.

3. The writ petition is opposed by the respondents. Both the respondents have filed separate counter affidavit repudiating the various averments raised by the petitioner.

4. It is seen from the counter affidavits filed by the respondents that in the panel drawn for the year 2009-2010, the name of the petitioner was included in serial No. 427. According to the respondents, since the name of the petitioner has not reached the zone of consideration during the panel year 2009-2010, he was not given promotion. As regards the juniors of the petitioner, one Tr. M. Balasubramanian in Serial No.428 has not been given promotion in view of currency of punishment operating against him and the immediate next junior namely Tr. S. Manoharan in Serial No.429 has been given promotion only in the next panel drawn for the year 2011-2012 on 13.07.2012. Therefore, according to the respondents, none of the juniors of the petitioner were given promotion in the panel year 2009-2010. Further, even before the drawal of the next promotion panel for the year 2011-2012, the petitioner retired from service on 31.07.2011.

5. Thus, it is evident from the counter affidavits that the name of the petitioner was not considered for promotion during the panel year 2009-2010 since he has not come within the zone of consideration for such promotion till his retirement on 31.07.2011. In such view of the matter, the impugned order passed by the second respondent is wholly justified. I do not find any reason to interfere with the same. The writ petition is therefore dismissed. No costs. Consequently, connected MP No. 1 of 2012 is closed.

Sd/-
Assistant Registrar(VI)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

rsh

To

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

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

+1cc to Government Pleader, Advocate, S.R.No.30185

SV(CO)

FU(20/06/2016)

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