

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.30741 of 2016

Vijayakumari

... Petitioner

vs.

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai-9.

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

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus directing the respondents to consider and pass orders on the claim of the petitioner for promotion as Woman Inspector of Police in the light of the representation made by the petitioner dated 25.2.2016 within a reasonable time.

For Petitioner : Mr.M.Muthappan
For Respondents : Mr.C.Jagadish,
Spl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the respondents to consider and pass orders on her claim for promotion as Woman Inspector of Police in the light of the representation made by her dated 25.2.2016 within a reasonable time.

3. It is the case of the petitioner that she was appointed as Woman Police Constable based on the selection conducted by the Director General of Police and later, she was appointed as Grade-II WPC and allotted to serve in Chennai City Police through the proceedings of the Commissioner of Police dated 11.2.1981. At the time of recruitment, there were no adhoc rules for promotion to the post of Grade-I WPC and

following the training, the petitioner was given appointment as Grade-I WPC. Thereafter, the Chief Office in RC No.1811676/NGBIII(2)/82 dated 21.10.1982, ordered that all woman police constables working as Grade-II WPC be upgraded as Grade-I WPC from the date of their appointment in the scale of pay of Rs.325-10-445-15-550. By virtue of the said order, she was appointed as Grade-I WPC right from the inception. Even though the petitioner was appointed as Grade-II Police Constable and subsequently upgraded as Grade-I Police Constable, there are no service rules for promotion to the post of Head Constable from the post of Grade-I Police Constable. In the absence of any rules and regulations, the petitioner was upgraded as Head Constable after a lapse of 15 years and again as Sub Inspector of Police in the year 2004. There are no rules available for Woman Head Constables to participate in the range promotion board for preparation of 'C' list of Head Constables fit for promotion as Sub Inspector of Police. When the rules applicable to men viz., 4 years of eligibility was neither considered by the department nor followed for some time, during the year 1997, the rule was amended to the effect that instead of 4 years of minimum service for promotion to the post of Sub Inspector, the same was revised to 8 years. Hence, there was no range promotion board conducted from 1994-2004. Again, by way of amendment, the original rule of 4 years was restored in the year 2003. By that time, direct recruitment of WSI was made in the year 2004 and assumed office on 15.9.2004, thereby the petitioner's seniority was pushed down to 12.10.2004 viz., the date of appointment. Hence, there was total discrimination and arbitrariness in the case of Women Police Constables recruited in the year 1981. The up-gradation policy of 5 years as Grade-I Police Constables to become Head Constables has not been followed in the case of the petitioner. Had an uniform policy been followed, the petitioner would have become Sub Inspector of Police in the year 1996 and further promoted as Inspector of Police in the year 2007. Therefore, narrating all the details, the petitioner made a representation to the respondents on 25.2.2016. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition for the relief set out earlier.

4. I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader, who has taken notice on behalf of the respondents.

5. Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the second respondent to consider the representation of the petitioner dated 25.2.2016 and pass appropriate orders, on merits and in accordance with law,

within a period of six weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion with regard to the claim projected by the petitioner and it is for the second respondent to consider the claim of the petitioner strictly on merits and in accordance with law. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS VI)

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Sub Assistant Registrar

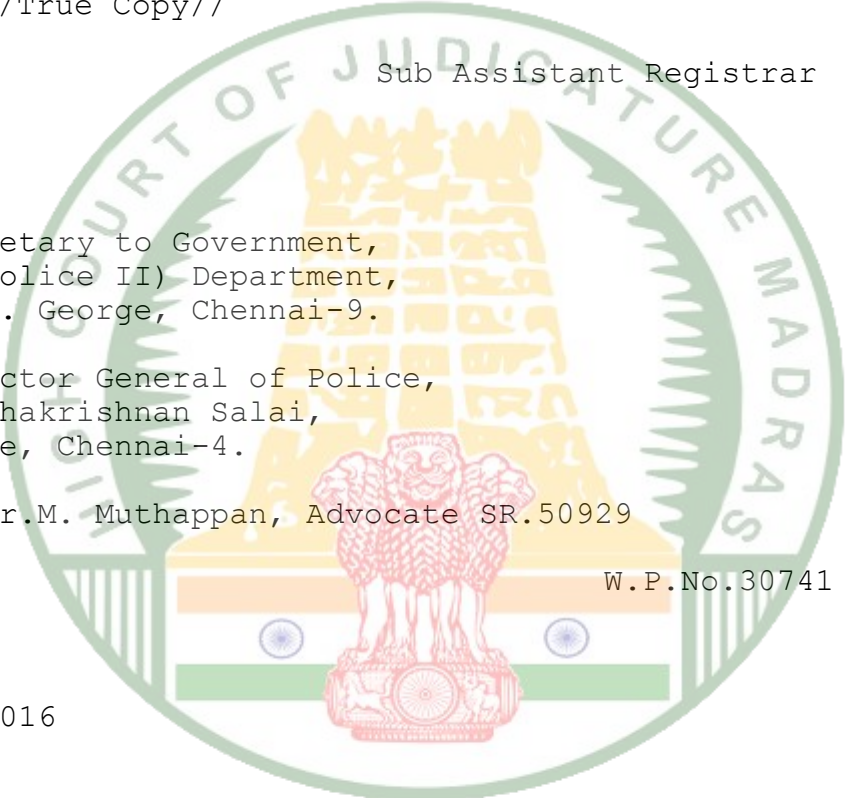
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To

- 1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai-9.
 - 2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-4.
- +1 cc to Mr.M. Muthappan, Advocate SR.50929

W.P.No.30741 of 2016

VSN(CO)
EU 04/09/2016



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