

IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 26.09.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.32354 of 2016

S.Selva Suresh Britto
Sub Inspector of police
Tamil nadu Special Police,
Special Task Force
Sathiyamangalam , Erode District

... Petitioner

-vs-

1.The Director General of Police,
Law & Order, Chennai - 600 004.

2.The Additional Director of Police,
Kilpauk, Chennai - 600 010.

3.The Superintendent of Police,
Special Task Force,
Sathiyamangalam,
Erode District.

.... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of Mandamus, directing the first respondent to pass orders on the representation made by the petitioner dated 18.01.2015 in view of the proposal sent by the third respondent dated 16.04.2015 for seeking conversion from Tamilnadu Special Police to Taluk Police as a Sub-Inspector of Police in respect of the petitioner within a reasonable time.

For Petitioner

सत्यमेव जयते

Mr.A.Tamilrajan

For Respondents

: Mr.C.Jagadish
Special Government Pleader

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O R D E R

The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider his representation dated 18.01.2015 with regard to the proposal sent by the third respondent dated 16.04.2015 seeking conversion from Tamilnadu Special Police to Taluk Police as Sub-Inspector of Police, within a reasonable time.

2.It is the case of the petitioner that he was appointed as Grade-II Police Constable through a selection conducted by TNUSRB on 15.04.1997 and transferred to Special Task Force Sathiyamangalam in the year 2001. He was promoted as Sub-Inspector of Police in the year 2004 and subsequently transferred to Special Task Force Sathiyamangalam in the year 2006. Further, he has completed 10 years of service in the rank of Sub-Inspector of Police and also undergone many trainings, namely, All India Unarmed Compact Course at Madhya Pradesh, Counter insurgency and Jungle War Course at Assam. In the meanwhile, the Government issued G.O.Ms.No.1512, Home (Police) Department, dated 09.10.1996, approving the scheme of transfer of Sub-Inspectors, Armed Reserve/Tamil Nadu Special Police to the local police. In view of the same, the Sub-Inspectors of Armed Reserve/Tamil Nadu Special Police have been sent for prescribed training for conversion to local police. However, the Director General of Police has suggested that 10% of the vacancies under direct recruitment for the post of Sub-Inspectors of Police may be reserved for Sub-Inspectors of Police of Armed Reserve/Tamil Nadu Special Police for appointment by transfer to the local police.

3.The Government issued another order in G.O.Ms.No.1598, Home (POI.III) Department, dated 05.11.1997 stating that 20% from the direct recruitment, 20% from the departmental candidates (Police Constables / Head Constables, who are graduate with clean record of service for 5 years) and 10% from the Sub-Inspectors of Armed Reserve/Tamil Nadu Special Police, apart from 30% reserved for women, may be transferred to the local police by transfer. According to the petitioner, as per the said Government Order, he is eligible for all requisite qualifications for such a transfer. In this regard, the petitioner made a representation dated 18.01.2015 to the first respondent to grant a conversion to the local police. The third respondent has also recommended the name of the petitioner and sent a proposal dated 16.04.2015 to the first respondent. Since the same was not considered so far, left with no other alternative, the petitioner has come up with the present writ petition.

4.I have heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents.

5.Considering the facts and circumstances of the case and considering the submissions made on either side, this Court directs the first respondent to consider the representation of the petitioner dated 18.01.2015 seeking conversion from Tamil Nadu Special Police to Taluk Police as Sub-Inspector of Police, as already recommended by the third respondent in his proposal

dated 16.04.2015 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 first 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/-
Asst.Registrar (J)

/true copy/

Sub Asst. Registrar

sri

To

1.The Director General of Police,
Law & Order, Chennai - 600 004.

2.The Additional Director of Police,
Kilpauk, Chennai - 600 010.

3.The Superintendent of Police,
Special Task Force,
Sathyamangalam,
Erode District.

1 cc to Mr.A.Tamilrajan, Advocate, Sr. 54647

1 cc to Government Pleader, Sr. 55389

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