

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.10.2016

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.33316 of 2016

N.Srinivasan

.. Petitioner

Vs.

1. State of Tamil Nadu,
Rep. by its Principal Secretary,
Home (Police-III) Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director General of Police (Law and Order),
Mylapore, Chennai-600 004. .. Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 16.08.2013 and grant conversion for being appointed as Sub-Inspector of Police (Taluk Office) by granting age relaxation to the petitioner in the light of G.O.Ms.No.312, Home (Pol.III) Department, dated 04.04.2003 and G.O.Ms.No.1165, Home (Pol.III) Department, dated 06.08.2007, within a stipulated time frame.

For Petitioner : Mr.B.Harikrishnan
For Respondents : Mr.D.Suriya Narayanan, Govt.
Advocate

ORDER

The petitioner has filed this Writ Petition praying for issuance of a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 16.08.2013 and grant conversion for being appointed as Sub-Inspector of Police (Taluk Office), by granting age relaxation to the petitioner, in the light of G.O.(Ms).No.312, Home (Pol.III) Department, dated 04.04.2003 and G.O.(Ms).No.1165, Home (Pol.III) Department, dated 06.08.2007, within a stipulated time frame that may be fixed by this Court.

2. It is the case of the petitioner that he joined the

Police Service as Grade-II Police Constable on 16.04.1997 in the Tamil Nadu Special Police Battalion. He was promoted in his parent unit in Tamil Nadu Special Police, XI Battalion, Rajapalayam, as Havildhar on 17.06.1998. He was subsequently promoted as Sub-Inspector of Police on temporary basis on 03.07.2008 and was regularised on 12.02.2010. He is at present posted as Sub-Inspector of Police, Special Branch CID, Headquarters at Chennai. As per the instructions of the Government, a Sub-Inspector of Police (Armed Reserve) or Tamil Nadu Special Police Battalion, is eligible for conversion to Taluk Police, if he is a graduate and not completed 40 years of age, with five years of service in the category of Sub-Inspector of Police. It is the petitioner's further claim that in terms of G.O.(Ms).No.312, Home (Pol-III) Department, dated 04.04.2003, a Sub-Inspector of Police (Armed Reserve) who are over-aged and had not completed five years of service, can be considered for conversion and transfer to Taluk Office by granting exemption. It is his further claim that in terms of G.O.(Ms).No.1165, Home (Pol-III) Department, dated 06.08.2007, the Government relaxed the age qualification insofar as one Thiru.K.V.Karuppasamy for conversion as Sub-Inspector of Police, Taluk Police. As the petitioner is fully qualified for conversion as Sub-Inspector of Police from Tamil Nadu Special Police to Taluk Police and being a graduate in B.A. (History) from Annamalai University in March 2000 and thereafter also completed post-graduation in M.A. (History) in September 2004 from the same University and as he has completed five years of service as Sub-Inspector of Police as on 03.07.2013, it is his claim that he is eligible for age relaxation in terms of the said G.O.(Ms).No.312. Hence, he made a representation on 16.08.2013 to the second respondent requesting to post him as Sub-Inspector of Police (Taluk Police) by conversion and granting age relaxation. The Inspector General of Police, Intelligence, Chennai-600 004, by communication, dated 07.11.2013, forwarded the petitioner's representation/petition, to the second respondent-Director General of Police, Tamil Nadu, Chennai and requested for early order in that regard. Since nothing had happened subsequently, the petitioner has filed this Writ Petition for the relief stated supra.

3. Heard both sides and perused the materials available on record.

4. Taking into consideration the facts and circumstances of the case, this Court, without going into the merits of the case, directs the respondents to consider the said representation of the petitioner, dated 16.08.2013, conduct enquiry, afford an opportunity of personal hearing to the petitioner and other parties, if any, pass appropriate orders and dispose of the said representation, on merits and in accordance with law, more particularly, taking into account the above said two G.Os.,

within a period of eight weeks from the date of receipt of a copy of this order. It is made clear that this Court has not expressed any opinion on the merits of the claim of the petitioner and it is for the respondents to decide the same at the time of disposing of the said representation.

5. With the above observations and directions, the Writ Petition is disposed of. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

Copy to

1. The Principal Secretary,
Home (Police-III) Department,
Secretariat, Fort St.George,
Chennai-600 009.
2. The Director General of Police (Law and Order),
Mylapore,
Chennai-600 004.

+1 cc to Mr.B.harikrishnan,advocate,sr.60410

rv(co)
krd 24/11

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