

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.37819 of 2016

A.Shanmugam

... Petitioner

Vs.

1 The Director General of Police
Tamilnadu, Chennai – 600 004.

2 The Commissioner of Police,
Coimbatore City,
Coimbatore.

3 The Superintendent of Police
Erode District,
Erode.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first respondent to consider the claim of the Petitioner for inclusion of the petitioner name in the 'C' List

for the year 1999- 2000 and 2002 issued in Pro.Rc.No.128656/NGB. V(2)/ 2011 dated 17.02.2016 of the first Respondent above all the persons included therein, who joined on or after 09.12.1989 in the post of Head Constable (AR).

For Petitioner : Mr.M.Ravi

For Respondents : Mr.R.Venkatesh

Government Advocate

ORDER

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

2.The present writ petition has been filed seeking a Mandamus directing the first respondent to consider the claim of the petitioner for inclusion of the petitioner's name in the 'C' List for the year 1999-2000 and 2002 issued in Pro.Rc.No.128656/NGB.V(2)/2011 dated 17.02.2016 of the first Respondent above all the persons included therein, who joined on or after 09.12.1989 in the post of Head Constable (AR).

3.The petitioner would state that he joined the Police Department in the year 1985. The petitioner joined the promotional post of Head Constable ordered by the Superintendent of Police, Coimbatore (Urban) District vide his proceedings dated 18.11.1989, belatedly on 08.12.1989 due to the delay in communication. The petitioner's claim for notionally promoting him with effect from 18.11.1989 and to consequently declare his completion of probation in the said post on 17.11.1991 was rejected by the authorities. Hence, the petitioner preferred W.P.No.5885 of 2014 before this Court.

4.The petitioner would further state that whileso, the Director General of Police, Chennai has by proceedings dated 17.02.2016 issued orders including the 'C' list of Head Constables (AR) containing the names of certain persons fit for promotion as Sub Inspector of Police (AR) for the year 1999-2000 and 2002.

5.It is the case of the petitioner that the actual date of his promotion is 18.11.1989 and hence, he is entitled for empanelment for the said post for the year 1999-2000 and 2002 and all other consequential benefits. The details of the empanelment and the service of the Head Constable who were promoted to the said post after 09.12.1989 would make it clear that the petitioner is entitled to be placed over and above them. Hence, the petitioner made a representation dated 18.04.2016 to the second respondent and the same was rejected on 18.07.2016 by the third respondent against which, the petitioner preferred an appeal dated 27.07.2016 before the first respondent and the same is still pending. Hence, this petition.

6.This writ petition is filed to give a direction to the first respondent to consider the claim of the petitioner for inclusion of the

petitioner's name in the 'C' List for the year 1999- 2000 and 2002 issued in Pro.Rc.No.128656/NGB. V(2)/ 2011 dated 17.02.2016 of the first Respondent above all the persons included therein, who joined on or after 09.12.1989 in the post of Head Constable (AR).

7.At the time of making his submissions, the learned counsel appearing for the petitioner submitted that if a direction is given to dispose of the appeal dated 27.07.2016, pending before the first respondent, that would suffice.

8.In view of the submissions made by the learned counsel appearing for the petitioner, it is not necessary to deal with the entire averments made in the affidavit. Since the scope of the writ petition has become very limited, this Court directs the first respondent to dispose of the appeal of the petitioner dated 27.07.2016, on merits and in accordance with law and pass appropriate orders, within a period of six weeks from the date of receipt of a copy of this order.

9.The writ petition is disposed of accordingly. No costs.

01.11.2016

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Index: Yes/ No
Internet: Yes/ No

To

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Erode.

R.SUBBIAH,J.
pri

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