

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.11.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.No.38147 of 2016

1 R.Ulaganathan S.I.(Retd)
2 S.Balaraman HC 758 (Retd)
3 M.Rajaiyan HC 466 (Retd)
4 A.Jayaraman HC 1105 (Retd)
5 R.Gunasekaran SSI Retd
6 S.Govindarajan SSI (610) Retd
7 N.Chandrasekaran SI (Retd)
8 S.Asokkumar SSI 653 (Retd)
9 V.Muthukumarasamy SSI (Retd)
10 N.Perumal HC 461 (Retd)
11 V.Muthukumarasamy -SSI 574 (Retd)
12 S.Shanmugam SSI (1315) Retd. ... Petitioners

Vs.

1 The Secretary to Government of Tamil Nadu,
Home (Police-V) Department,
Secretariat, Chennai - 600 009.
2 The Director General of Police,
Chennai - 600 004.
3 The Deputy Inspector General of Police,
Thanjavur Range, Thanjavur.
4 The Superintendent of Police,
Nagapattinam District. ... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to grant up-gradation of petitioners posts as Grade-I Constable, Head Constable and Special Sub Inspector of Police on completion of 10 years, 15 years and 25 years respectively with notional fixation of pay and to grant revision of pension and other pensionary benefits with arrears of pension as granted to M/s.Thangapandian, Michael Antony and Paul Durai in Tirunelveli District vide proceedings of Superintendent of Police, Tirunelveli in D.O.No.326/2015/C.No.A2/58801/2014 dated 26.03.2015 and proceedings of Deputy Inspector General of Police Tirunelveli, Tirunelveli Range in C.No.A1/12265/2013/R.O.

O.No.141/2015 dated 27.03.2015 with a stipulated period of time as prescribed by the Hon'ble Court by disposing of the petitioner's representation dated 10.09.2015.

For Petitioners: Mr.K.Shanmugam
For Respondents: Mr.S.N.Parthasarathi
Government Advocate

O R D E R

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

2.The present writ petition has been filed seeking a Mandamus to direct the respondents to grant up-gradation of petitioners posts as Grade-I Constable, Head Constable and Special Sub Inspector of Police on completion of 10 years, 15 years and 25 years respectively with notional fixation of pay and to grant revision of pension and other pensionary benefits with arrears of pension as granted to M/s.Thangapandian, Michael Antony and Paul Durai in Tirunelveli District vide proceedings of Superintendent of Police, Tirunelveli in D.O.No.326/2015/C.No.A2/58801/2014 dated 26.03.2015 and proceedings of Deputy Inspector General of Police Tirunelveli, Tirunelveli Range in C.No.A1/12265/2013/R.O. O.No.141/2015 dated 27.03.2015 with a stipulated period of time as prescribed by the Court by disposing of the petitioner's representation dated 10.09.2015.

3.The petitioners would state that they are retired Head Constables, Sub Inspectors and Special Sub Inspectors of Police from the fourth respondent office and their service details are as follows:

Sl. No.	Name of the petitioner	Enrolment as Grade II	Grade-I	H.C.	S.S.I.	Date of retirement
(1)	(2)	(3)	(4)	(5)	(6)	(7)
01	R.Ulaganathan	14.03.1975	04.05.1993	09.01.1998	07.10.2004	31.01.2012
02	S.Balaraman	05.12.1973	20.02.1993	09.01.1998	--	31.12.2013
03	M.Rajaiyan	11.11.1960	29.10.1980	25.03.1994	--	31.07.1999
04	A.Jayaraman	01.07.1966	20.02.1993	09.01.1998	--	30.09.2001
05	R.Gunasekaran	12.10.1978	27.01.1995	27.01.2000	01.02.2010	31.08.2012
06	S.Govindarajan	02.08.1965	18.02.1983	28.02.1993	01.06.2003	31.10.2003
07	N.Chandrakasan	01.05.1978	27.01.1995	27.01.2000	01.02.2010	V.R.S. 31.01.2014
08	A.Asokkumar	14.01.1977	31.08.1994	31.08.1999	07.01.2010	V.R.S. 30.09.2010
09	V.Muthukumarasamy	14.07.1978	09.12.1994	09.12.1999	07.01.2010	30.06.2013
10	N.Perumal	01.04.1969	20.02.1993	09.01.1998	--	28.02.2006

Sl. No.	Name of the petitioner	Enrolment as Grade II	Grade-I	H.C.	S.S.I.	Date of retirement
11	V.Muthukumarasamy	01.10.1995	18.02.1983	28.02.1993	01.06.2003	31.12.2002
12	S.Shanmugam C.C.I.W.	29.07.1972	01.07.1986	13.01.2000	01.02.2010	31.07.2010

4.The petitioners would further state that in G.O.Ms.No.844 Home (Pol.V) Department dated 03.06.1997 and Government's Letter No.107160/Kaa.5/95-2 dated 07.01.1998, G.O.937, Home Police III Department dated 21.07.1998 and G.O.15 dated 07.01.2010 issued orders that Grade II Constables who put in 10 years of service are eligible for Grade I Constables and who put in 15 years of service as Head Constables and who put in 25 years of service are directly eligible for the post of Special Sub Inspector of Police and all the petitioners herein have rendered more than 30 years of service from the date of their appointment, but the respondents have totally neglected their repeated demands for up-gradation in terms of G.O.Ms.No.844 Home (Pol.V) Department dated 03.06.1997, Government's Letter No.107160/Kaa.5/95-2 dated 07.01.1998, G.O.937, Home (Police III) Department dated 21.07.1998 and G.O.15 dated 07.01.2010. In this regard, representation was made on 10.09.2015, but the same was not considered. Hence, this petition.

5.Heard the submissions of the learned counsel appearing for the petitioners and the learned Government Advocate who takes notice for the respondents.

6.Considering the submissions made on either side and without going into the merits of the case, this Court directs the petitioners to give copy of the representations dated 10.09.2015, along with a copy of this order to the respondents, within a period of two weeks from the date of receipt of a copy of this order and on receipt of the same, the respondents are directed to consider the claim of the petitioners with regard to grant up-gradation of petitioners posts as Grade-I Constable, Head Constable and Special Sub Inspector of Police on completion of 10 years, 15 years and 25 years respectively with notional fixation of pay and to grant revision of pension and other pensionary benefits with arrears of pension as granted to M/s.Thangapandian, Michael Antony and Paul Durai in Tirunelveli District vide proceedings of Superintendent of Police, Tirunelveli in D.O.No.326/2015/C.No.A2/ 58801/2014 dated 26.03.2015 and proceedings of Deputy Inspector General of Police, Tirunelveli, Tirunelveli Range in C.No.A1/12265/2013/R.O.O.No.141/2015 dated 27.03.2015 and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks thereafter.

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

Sd/-
Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

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To

- 1 The Secretary to Government of Tamil Nadu,
Home (Police-V) Department,
Secretariat, Chennai - 600 009.
- 2 The Director General of Police,
Chennai - 600 004.
- 3 The Deputy Inspector General of Police,
Thanjavur Range, Thanjavur.
- 4 The Superintendent of Police,
Nagapattinam District.

+1cc to Mr.K. Shanmugam, Advocate, S.R.No.62829

+1cc to the Government Pleader, S.R.No.62714

SS(CO)
EU(02/12/2016)

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