

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.6676 of 2016

M.Bose

.. Petitioner

-vs-

1. The Secretary to Government
Home Department
Government of Tamil Nadu
Fort St.George
Chennai 600 009

2. The Director General of Police
Kamarajar Salai
Mylapore
Chennai 600 004

3. The Joint Commissioner of Police
North Zone
Chennai Police Office
Egmore
Chennai 600 008

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the third respondent in Na.Ka.No.Pa.P.2(1)/819/13705/Va.Ma./2015 dated 19.10.2015 and to quash the same and consequently directing the first respondent to consider and pass orders on the basis of the petitioner's representations dated 31.8.2015 for notional promotion and retirement benefits in the light of G.O.Ms.No.844 Home Department dated 3.6.1997 and G.O.Ms.No.15 Home Department dated 7.1.2010.

For Petitioner :: Mr.M.Karunanithi

For Respondents :: Mr.S.Gunasekaran
Government Advocate

ORDER

The issue raised in this writ petition has already been considered by this Court in the case of M.Pongianan v. State of

Tamil Nadu represented by its Secretary to Government, Home Department, Chennai and others, (2014) 1 MLJ 777, wherein a similar request for upgradation to the post of Special Sub Inspector of Police on completion of 25 years of service from the date of entry into service, was turned down on the ground that any such upgradation, on the basis of G.O.Ms.No.15, Home (Police-V) Department dated 07.01.2010, G.O.Ms.No.937, Home (Police-III) Department dated 21.07.1998 and another G.O.Ms.No.844, Home (Police-V) Department dated 03.06.1997, cannot be made with retrospective effect, as neither the scheme nor the aforesaid Government Orders directed the counting of services from the date of entry to upgrade the police personnel to the post of Special Sub Inspector of Police. This Court also found that without there being any vacancy to the post of Special Sub Inspector of Police, no such order of upgradation or retrospective promotion can be given effect to. Since I am also in agreement with the aforesaid views of this Court, the writ petition filed by the petitioner, being bereft of any merits, fails. Therefore, finding no error in the impugned order, this Court is not inclined to grant the relief sought for by the petitioner. Accordingly, the writ petition fails and it is dismissed. No costs.

ss

-s/d-

Assistant Registrar(CS-IV)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government
Home Department
Government of Tamil Nadu
Fort St.George Chennai 600 009

2. The Director General of Police
Kamarajar Salai Mylapore
Chennai 600 004

3. The Joint Commissioner of Police
North Zone Chennai Police Office
Egmore Chennai 600 008

+ 1 cc to M/s.M.Karunanithi,Advocate, SR 12215

+ 1 cc to Government Pleader, High Court, Madras SR 11764

rsk(co)
prk8/3

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