

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.8075 of 2016

1 G.Irudhaya Selvanathan [Petitioner]

Vs.

1 The Commissioner of Police
Chennai Police
Vepery, Chennai [Respondent]

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of mandamus to consider the petitioner's representation dated 08.12.2015 addressed to the respondent and to dispose of the same to grant promotion as Special Sub-Inspector of Police with seniority with effect from 06.06.2013 as per the proceedings of the Respondent in RC.No. Estt. III(1)/273/47776/2013-CPO.NO.1464/2013 dated 06.06.2013.

For Petitioner : Mr.S.Xavier Felix

For Respondents : Mr.S.Gunasekaran, AGP

O R D E R

This writ petition has been filed by Mr.G.Irudhaya Selvanathan seeking a writ of mandamus directing the respondent to dispose of his representation dated 08.12.2015, so that he would be able to get his promotion as Special Sub Inspector of Police with Seniority. The petitioner, while serving as Grade II Police Constable in Chengalpet East District Police, was given promotion as Grade I Constable and also further promotion as Head Constable. In the meanwhile, he suffered registration of a criminal case in C.C.No.183 of 2013 on the file of learned Judicial Magistrate No.2, Ponneri. However, the records show that C.C.No.183 of 2013 has been quashed by this Court vide order dated 22.9.2015 in Crl.O.P.No.21916 of 2015 and the relevant portion of the order reads as follows:

"In fine, this Criminal Original Petition is allowed. The proceedings relating to Calendar Case No.183 of 2013 on the file of Judicial Magistrate Court No.2, Ponneri, are quashed. Consequently, the Miscellaneous Petition is closed."

2. The learned counsel for the petitioner would submit that in view of the pendency of the criminal case, his name was not considered for further promotion. However, by the order passed by this Court in Criminal Original Petition No.21916 of 2015, the criminal case was ended in his favour and the entire proceedings on the file of learned Judicial Magistrate No.2, Ponneri relating to Calendar Case No.183 of 2013 against the petitioner was quashed. Therefore, the petitioner has given a representation to promote him as Special Sub Inspector of Police with due seniority, but the same has not been considered, as a result of which, he has come to this Court with the aforesaid prayer.

3. Mr.S.Gunasekaran, learned Additional Government Pleader, taking notice for the respondent, submitted that it is not known whether any appeal has been filed against the aforesaid order.

4. Therefore, if any appeal has not been filed against the order dated 22.9.2015 in Criminal Original Petition No.21916 of 2015, the respondent is directed to consider the representation of the petitioner dated 8.12.2013 and pass appropriate orders on the same on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

The writ petition is disposed of with the above direction.
No costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

1 The Commissioner of Police
Chennai Police, Vepery, Chennai

+1cc to Mr.S.Xavier Felix, Advocate, S.R.No.14160
+1cc to the Government Pleader, S.R.No.14288

W.P.No.8075 of 2016

skv(CO)
srg(16/03/2016)