

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 10.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.8952 of 2016

R.Vijayakumar

.. Petitioner

-vs-

1.The Secretary to Government,
Home and Prohibition
and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the first respondent to grant notional promotion to the petitioner to the post of Additional Superintendent of Police (ADSP) from the date of his entitlement and consequently grant him with all service benefits to which the petitioner is eligible within a reasonable time pursuant to the order passed in Writ Petition No.30224 of 2013 dated 13.11.2013.

For Petitioner : Mr.K.H.Ravikumar

For respondents: Mr.A.Kumar,
Special Government Pleader

O R D E R

This writ petition has been filed by the petitioner, seeking a direction to the first respondent to grant notional promotion to the post of Additional Superintendent of Police (ADSP) from the date of his entitlement and consequently grant him with all service benefits to which the petitioner is eligible, within a reasonable time, pursuant to the order passed in Writ Petition No.30224 of 2013 dated 13.11.2013.

2.The petitioner was enlisted on 02.11.1979 as Sub Inspector (L&O) by the TNPSC Group IV. He was promoted to the post of Inspector on 04.11.1993. He was further promoted as

Deputy Superintendent of Police on 01.01.2008 and was retired from service from Palani XIV Battalion as Assistant Commandant on 31.01.2011.

3.The grievance of the petitioner is that many DSP's belonging to 1979 batch, have been given notional promotion as ADSP. As the petitioner belongs to the said 1979 batch, he submitted a detailed representation on 19.09.2015 to the respondents to grant notional promotion to the post of Additional Superintendent of Police. Since the same has not been considered, he is before this Court.

4.The petitioner, has stated in the affidavit that he was retired from service as Assistant Commandant on 31.01.2011 and in view of the pendency of the writ petition, promotion to the post of ADSP was not considered even though the 1979 batch was no way connected to the issue involved in the writ petition. The writ petition in W.P. No.30224 of 2013, relied on by the petitioner, came to be disposed of on 13.11.2013. After the delay of five years on the date of his retirement, he has come to this Court, seeking promotion. Therefore, the ground raised by the petitioner because of the pendency of the writ petition, he was not given promotion, is absolutely un-acceptable. Hence, the writ petition is bereft of merits, hence, the same is liable to be dismissed. Accordingly, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home and Prohibition
and Excise Department,
Secretariat, Fort St. George,
Chennai-600 009.

2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-600 004.

+1 cc to Mrs.Malarvizhi Udayakumar, Advocate, sr.16117

+1 cc to Government Pleader, sr.15699

W.P. No.8952 of 2016

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kra 13.04.2016