

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P. No.9915 of 2016 and
W.M.P. No.8898 of 2016

G.Dhayalan

.. Petitioner

-VS-

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
- 2.The Deputy Inspector General of Police,
Villupuram District,
Villupuram - 605 602.
- 3.The Superintendent of Police,
Villupuram District,
Villupuram - 605 602.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a writ of certiorarified mandamus to call for the records of the third respondent in Na.Ka.No.A1/010697/2015 dated 07.04.2015 issued by the respondent and quash the same and consequently direct the respondents to re-fix the seniority of the petitioner on the basis of G.O. Ms. No.844 Home (Pol.V) Department, dated 03.06.1997 and G.O. Ms. No.15 Home (Pol.IV) Department, dated 07.01.2008 with all appropriate consequential service and monetary benefits.

For Petitioner : Mr.Anil Relwani

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

ORDER

The issue raised in the 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.

2.Since I am also in agreement with the aforesaid views of this Court, the writ petition filed by the petitioner, being bereft of any merit, 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 is dismissed. No costs. Consequently, connected W.M.P. is also dismissed.

vga

s/d-
Assistant Registrar(CCC)

True Copy

Sub-Assistant Registrar

To

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
- 2.The Deputy Inspector General of Police,
Villupuram District,
Villupuram - 605 602.
- 3.The Superintendent of Police,
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SVI (CO)
prk5/4

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