

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.03.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.9999 of 2016

K.Ramesh

.. Petitioner

-vs-

1. State of Tamil Nadu rep.by its Secretary  
(Home-III Police) Department  
Fort St.George  
The Secretariat, Chennai 600 009
2. The Director General of Police (L & O)  
Dr.Radhakrishnan Road  
Mylapore, Chennai 600 004 .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents to consider the case of the petitioner for granting conversion to them to category one (Law and Order) from his present category 2 / 3 by way of age relaxation along with his batch mates of the year 2008 as per the past practice and in the light of the G.O.Ms.No.312 dated 4.4.2003, G.O.Ms.No.397 dated 3.11.2014 and G.O.Ms.No.398 dated 3.11.2014.

For Petitioner :: Mr.K.Ravi Anantha Padmanaban

For Respondents :: Mr.S.Gunasekaran  
Additional Government Pleader

ORDER

The petitioner seeks for issuance of a writ of mandamus, directing the respondents to consider the case of the petitioner for granting conversion to category one (Law and Order) from his present category 2 / 3 by way of age relaxation along with his batch mates of the year 2008 as per the past practice and in the light of the G.O.Ms.No.312 dated 4.4.2003, G.O.Ms.No.397 dated 3.11.2014 and G.O.Ms.No.398 dated 3.11.2014.

2. Heard Mr.K.Ravi Anantha Padmanabhan, learned counsel for the petitioner. Mr.S.Gunasekaran, learned Additional Government Pleader takes notice on behalf of the respondents.

3. In similar circumstances, the Hon'ble First Bench of this Court, by order dated 13.10.2015 in W.P.No.8982 of 2015 etc., directed the respondents to consider the representations of the petitioners therein with regard to their posting as Sub Inspectors of Police by way of transfer/conversion to category one together with age relaxation as applicable. In this context, it is useful to refer to the relevant paragraphs of the said order, which reads as follows:-

"5. As far as the request for conversion by the petitioners is concerned, the same is pending consideration.

6. We are of the view that it is necessary to give a quietus to this issue by taking a decision within a time bound manner so that the petitioners know the fate of their representation. If the representation is accepted, nothing survives, but if it is rejected with reasons, that may give rise to further cause of action. We thus direct the respondents to consider the representation of the petitioners within a maximum period of six weeks from the date of receipt of this order. We may note that it makes no difference that the relevant rules having been framed or that according to the respondents it is a matter of posting, since it cannot be disputed that upto the year 2007, this practice has been followed by issuing G.Os, each time claiming to be a one-time measure.

7. On our query, learned Additional Advocate General states that the proposal will emanate from the second respondent and then the final decision will be taken by the first respondent.

8. The writ petitions are disposed of in the aforesaid terms, leaving the parties to bear their own costs. Consequently, connected miscellaneous petitions are closed."

4. Considering the facts and circumstances of the case, without going into the merits of the writ petition, the respondents are directed to consider the claim of the petitioner for conversion to category one (Law and Order) from his present category 2 (Armed Reserve) / 3 (TSP Battalion) by way of age relaxation along with his batch mates of the year 2008 as per the past practice, in the light of the order of the Hon'ble First Bench of this Court dated 13.10.2015 passed in

W.P.Nos.8982 of 2015 etc., as well the G.O.Ms.No.312 dated 4.4.2003, G.O.Ms.No.397 dated 3.11.2014 and G.O.Ms.No.398 dated 3.11.2014 coupled with the notification dated 8.2.2015 and the reply given by the Public Information Officer under the RTI Act fixing the maximum age limit as 45 years for the post of Sub Inspector of Police, and pass appropriate orders within a period of three weeks from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.  
ss

s/d-  
Assistant Registrar(CO)

True Copy

Sub-Assistant Registrar

To

1. The Secretary to Government  
(Home-III Police) Department  
Fort St.George  
Chennai 600 009
  2. The Director General of Police (L & O)  
Dr.Radhakrishnan Road  
Mylapore  
Chennai 600 004
- + 1 cc to Mr.K.Ravi Anantha padmanabhan, Advocate, SR 17112  
+ 1 cc to Govt.Pleader, High Court, Madras SR 17340

vd(co)  
prk5/4

W.P.No.9999 of 2016

सत्यमेव जयते

WEB COPY