



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2016

CORAM

THE HON'BLE DR.JUSTICE S.VIMALAW.P(MD) No.9829 of 2014

Nagarajan

... Petitioner

-vs-

1. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai.
2. The Deputy Inspector General of Police,
Dindigul Range, Dindigul.
3. The Superintendent of Police,
Theni District.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the respondents to revise the seniority of the petitioner thereby upgrading him as Grade-I Police Constable / Head Constable on completion of 10/5 years and upgrade as Special Sub Inspector of Police on completion of 25 years of service and also upgrade to the higher posts notionally in the light of Government Orders and order made in W.P.No.11544 to 11550 of 2012 dated 28.06.2012 on the file of the Hon'ble Principal Seat at Madras on the basis of his representation dated 11.06.2014.

For Petitioner : Mr.J.Imran Khan
For Respondents : Mr.M.Alagudevan
Spl. Govt. Pleader

O R D E R

The writ petition has been filed, seeking to direct the respondents to revise the seniority of the petitioner thereby upgrading him as Grade-I Police Constable / Head Constable on completion of 10+5 years and upgrade as Special Sub Inspector of Police on completion of 25 years of service and also upgrade to the higher posts notionally in the light of Government Orders and order made in W.P.No.11544 to 11550 of 2012 dated 28.06.2012 on the file of the Hon'ble Principal Seat at Madras, on the basis of his representation dated 11.06.2014.



2. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents.

3. The case of the petitioner is that he was selected as Grade-II Police Constable on 25.05.1988 and was thereafter promoted as Grade-I Constable on 28.10.2004, followed by another promotion as Head Constable on 01.03.2006; that he has put in meritorious and unblemished service all along; that he won Anna Award for his meritorious service to the department on 06.01.2013; that the Government, by order dated 03.06.1996 in G.O.Ms.No.844, Home Department, commenced a scheme of upgradation thereby promoting those Grade-II Police Constables as Grade-I Police Constables, who had completed 10 years of service and Grade-I Police Constables as Head Constables on their completion of 5 years of service in the said cadre; that subsequently, the 1st respondent modified the condition to the effect of 15 years of service into 5 years of service as Grade-I Constable for upgradation to the post of Head Constable; that the Government by another order dated 07.01.2010 in G.O.Ms.No.15, Home (Police-V) Department delegated the powers to the Superintendent of Police for promoting Police Personnel, i.e., upgrading the Grade-II Police Constables as Grade-I Police Constables on completion of 10 years of service and Grade-I Police Constables as Head Constables on completion of 5 years of service and the Deputy Inspector General of Police / Commissioner of Police has the power to upgrade those Police Personnel, who have completed 25 years of service on the first month of succeeding 25 years as Special Sub Inspector of Police.

3.1. It is the further case of the petitioner that he along with his fellow Police Constable, named Ganesan was awarded with 3b Punishment under TNPSS (D&A) Rules, 1955 for the escape of one accused from custody on 09.07.1994; that he was imposed punishment of reduction in pay for two stages without cumulative effect on 26.09.1998 belatedly, but the said Ganesan was imposed punishment in the year 1996 itself and he had gone through the entire punishment in the year 1998 and was subsequently promoted as Grade-I Constable on 28.10.1999; that thereafter, on the basis of the mercy petition, the punishment awarded to the petitioner was modified to the effect of reduction in pay by one stage for one year without cumulative effect by the order of the 1st respondent dated 23.10.2003; that if the above Government Order would have been extended to him, he would have been promoted as Special Sub Inspector of Police as on 18.06.2013 itself and would have got the benefits thereon; that the petitioner has given a representation to the respondents on 11.06.2014 for implementation of the Government Order in G.O.Ms.No.844. It is represented that as the respondents did not pass any order on the said representation, <https://hdservices.ecourts.gov.in/hdservices/> petition has been filed to consider the case of the petitioner in the light of the order in W.P.(MD) No.364 of 2013 dated 26.02.2013.



4. Learned Special Government Pleader appearing for the respondents would submit that the respondents are agreeable to consider the representation of the petitioner dated 11.06.2014 and to pass orders on the same within a reasonable time frame.

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5. Under such circumstances, this Court, without expressing any opinion on the merits of the matter, directs the respondents to consider the representation dated 11.06.2014 of the petitioner in the light of the order of this Court in W.P.(MD) No.364 of 2013 and pass appropriate orders thereon within a period of eight weeks from the date of receipt of a copy of this order. No costs. Petition is disposed of.

6. With the above direction, this Writ Petition is disposed of. No costs.

Sd/
Assistant Registrar(AE)

/True Copy/

Sub Assistant Registrar.

To:

1. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai.
2. The Deputy Inspector General of Police,
Dindigul Range, Dindigul.
3. The Superintendent of Police,
Theni District.

+1cc to Mr.J.ImranKhan, Advocate Sr.No. 59464

JAM/21.10.16/KM/3P-5C

W.P(MD) No.9829 of 2014
04.10.2016