



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 21.07.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P(MD)Nos.12816 of 2016

R.Nagarajan

... Petitioner

Vs.

1.The State of Tamil Nadu,
represented by its Secretary,
Home Department,
Fort St.George, Chennai.

2.The Director General of Police,
(Law & Order),
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

3.The Inspector General of Police(Establishment),
O/o.the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus, to direct the second respondent to provide notional promotion to the petitioner to the post of Inspector of Police with effect from 14.11.2002 considering the representation dated 19.01.2016 within the time stipulated by this Court.

For petitioner : Mr.S.Louis
for M/s.T.Lajapathi Roy

For Respondents : Mrs.S.Bharathi
Government Advocate

ORDER

Mr.R.Nagarajan, a retired Inspector of Police, has come to this Court seeking issuance of a Writ of Mandamus, directing the second respondent/the Director General of Police(Law & Order), Chennai, to give him notional promotion to the post of Inspector of Police, with effect from 14.11.2002, by considering his representation, dated 19.01.2016.

<https://hcservices.ecourts.gov.in/hcservices/>

2.Mrs.S.Bharathi, learned Government Advocate takes notice for



the respondents.

3. Heard both sides.

4. Mr. S. Louis, learned counsel appearing for the petitioner drawing the notice of this Court to the proceedings, dated 15.06.2015 and 06.07.2015 respectively, submitted that purposely, the second respondent has failed to consider the request of the petitioner for promotion to the post of Inspector of Police, with effect from 14.11.2002.

5. But, this Court is not able to agree with the above said contention, because, he retired from service with effect from 31.10.2008 as Inspector of Police. After noticing some of his juniors namely, Mr. Thanu Thevar, (C List No. 67) and another two persons, namely, Mr. D. Ariyamuthu, (C List No. 75) and Mr. M. V. Jeganathan (C List No. 70) were given promotion to the post of Inspector of Police on 14.11.2002, 22.01.2003 and 08.08.2003 respectively, whereas the petitioner, who is having C List No. 65 was given promotion much later than C List Nos. 67 and 75, the petitioner has sent a representation only on 11.07.2015 to the second respondent, seeking notional promotion to the post of Inspector of Police.

6. When the petitioner himself has admitted that he retired from service on 31.10.2008, while so, for the first time, with delay of 7 years, he has given his representation only on 11.07.2015 to the second respondent, this Court is not able to agree with the contention of the petitioner. The reason is, when the petitioner is seeking promotion as Inspector of Police, with effect from 14.11.2002, he ought to have made representation to the concerned authority immediately. But, keeping quiet for more than 12 years, that too after retirement, he has made a representation, dated 11.07.2015 to the second respondent, seeking notional promotion as Inspector of Police, with effect from 14.11.2002, and thereafter, has come to this Court with a huge and inordinate delay. It is well settled that delay defeats equity. On that score alone, the writ petition is liable to be dismissed, accordingly, it is dismissed. No Costs.

Sd/-

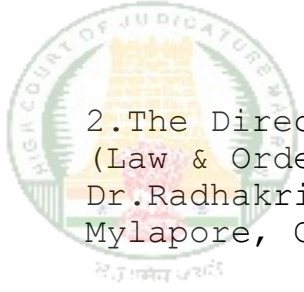
Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary, The State of Tamil Nadu,
Home Department,
Fort St. George, Chennai.



2.The Director General of Police,
(Law & Order),
Dr.Radhakrishnan Salai,
Mylapore, Chennai.

3.The Inspector General of Police(Establishment),
O/o.the Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,Chennai.

+1cc to M/S Special Government Pleader, Sr No. 38766

+1 cc to Mr.T.LAJAPATHY ROY,Advocate, Sr.No: 38676

jam/26.08.16/DB/3P-6C

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