



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.12.2016

C O R A M

WEB COPY

THE HONOURABLE Dr.JUSTICE S.VIMALA

Writ Petition (MD) No.22756 of 2016
and
W.M.P. (MD) No.16272 of 2016

N.Annadurai

.. Petitioner

Vs.

1.The State of Tamil Nadu,
Rep. By its Secretary to Government,
Home Department, Fort St.George,
Chennai.

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

3.The Commissioner of Police,
Trichy - 20.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus directing the respondents to give promotion to the petitioner as Sub-Inspector of Police from the date of recruitment seniority as per the G.O. (Ms)No.668, Home (POL.V) Department, dated 26.07.2010.

For petitioner	... Mr.S.Muthukrishnan
For Respondents	... Mr.V.R.Shanmuganathan Special Government Pleader

O R D E R

This is a writ of Mandamus seeking direction to the respondents to give promotion to the petitioner as Sub-Inspector of Police from the date of recruitment seniority as per the G.O. (Ms)No.668, Home (POL.V) Department, dated 26.07.2010.

2.Heard the learned counsel for the petitioner and the learned counsel for the respondents.

3.The petitioner was appointed as Grade II Police Constable and thereafter he was promoted as Grade-I Police Constable and thereafter he was promoted as Head Constable. The petitioner was promoted as Grade-I



Police Constable and Head Constable on the basis of the common seniority list prepared by the second and third respondents. Thereafter, at the time of giving further promotion as Sub-Inspector of Police in the Armed Reserve Police, there was a discrimination between the Head Constables, those who are doing duty as driver and other Head Constables, who were not driving. In the seniority list published by the respondents, they mentioned as MT (Motor Transport) for the Head Constables, those who are doing driver duty and for others they mentioned as COY. Therefore, some of the Head Constables have challenged the said classification in W.P.(MD)No.25043 of 2002 seeking direction to consider the date of recruitment and effect promotion and to include the name of the petitioners in 'C' list and to give promotion to them. This Court has allowed the said writ petition by order dated 18.09.2007. The operative portion of the said order reads thus:-

"5. A perusal of the order passed by the Tribunal discloses that what has been stated in paragraphs 5,6,7 and 8 of the counter has been extracted in the order and the claim of the petitioners has been rejected without looking into the relevant rules. We are not satisfied with the reasoning's given by the Tribunal in dismissing the application filed by the petitioners. Therefore in the absence of special Rules and information regarding how these three departments, namely, Motor Transport Wing of the City Police, Chennai, Armed Reserve Police and Local Police are being treated as district departments , for promotional avenues to the persons, who are appointed under one recruitment and posted in the above three departments, we are unable to understand why the petitioner's names have not been included in the "c" list. To a specific question put-forth by this Court as to how the personnel in the Armed Reserve are getting promotions prior to the persons working in Motor Transport Wing of the City Police, Chennai, the only explanation offered by the Department is that the persons working in the Motor Transport Wing of the City Police, are being paid special pay of Rs.40/- initially and then Rs.60/- and now Rs.120/-. The said ground cannot be a criteria for denying the promotion to the persons working in the Motor Transport Wing of the City Police, Chennai. The right to promotion should be only based on the principle of seniority. Except saying that these three departments are distinct no materials whatsoever has been placed before this Court under what circumstances and what special Rules these Departments are treated as district. Therefore we are satisfied that to meet the ends of justice, it is appropriate to direct respondents 1 to 3 to consider the date of recruitment as the basis for fixing seniority and effect promotion and to include the names of the



petitioners in the "C" list and give promotion to them. Accordingly, the order passed by the Tribunal is set aside and Writ petition is allowed. No costs."

3.1. In pursuance of the order of this Court, the first respondent has issued G.O.(Ms)No.668, Home (Police POL.V) Department, dated 26.07.2010 promoting the writ petitioners therein as Sub-Inspector of Police.

3.2. So stating the petitioner has also given a representation dated 08.01.2016 to the respondents seeking promotion as Sub-Inspector of Police, in terms of GO.(Ms)No.668. As the same was not considered so far, the petitioner has filed this writ petition.

4. Under such circumstances, the respondents are directed to consider the case of the petitioner for promotion to the post of Sub-Inspector of Police from the date of recruitment seniority, as per the G.O.(Ms)No.668, Home (POL.V) Department, dated 26.07.2010.

5. The writ petition is disposed of accordingly. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-
Assistant Registrar (Crl.Side)

/True Copy/

Sub Assistant Registrar

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To

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

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

3. The Commissioner of Police,
Trichy - 20.

+1CC to Mr.S.Muthukrishnan, Advocate Sr.No.79159

GJM/BS/MR/6.2.17-3p-5C

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