

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE DEVAN RAMACHANDRAN

THURSDAY, THE 30TH DAY OF MARCH 2017/9TH CHAITHRA, 1939

WP(C) .No. 20213 of 2016 (B)

PETITIONER(S) :

P.SUMANASAN,
PUBLIC PROSECUTOR/INSPECTOR,
DIVISIONAL OFFICE, SOUTHERN RAILWAY,
THIRUVANANTHAPURAM.

BY ADVS.SRI.B.S.SWATHY KUMAR
SMT.T.RESHMA

RESPONDENT(S) /RESPONDENTS:-:

1. DIRECTOR GENERAL OF RAILWAY PROTECTION FORCE,
MINISTRY OF RAILWAYS,
RAIL BHAVAN, NEW DELHI - 110 001.
2. MINISTRY OF RAILWAYS,
RAIL BHAVAN, NEW DELHI - 110 001,
REPRESENTED BY ITS SECRETARY.
3. G.SAMUEL ASHIRVADAM,
DIVISIONAL SECURITY COMMISSIONER,
RAILWAY PROTECTION FORCE,
EAST COAST RAILWAY, SAMBALPUR,
ORISSA, PIN - 768 206.

BY ADVS. SRI.V.K.MOHAMMED YOUSUF, SC
SRI.TOJAN J.VATHIKULAM, SC
SRI.C.S.DIAS, SC

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 30-03-2017, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

msv/

WP(C).No. 20213 of 2016 (B)

APPENDIX

PETITIONER(S) ' EXHIBITS

- P1 TRUE COPY OF THE ORDER NO.VXP/535/PP/2009 DATED 19.03.2009.
- P2 TRUE COPY OF THE REPRESENTATION FILED BY THE PETITIONER
BEFORE THE 1ST RESPONDENT DATED 01.05.2015.
- P3 TRUE COPY OF THE ORDER NO.2016/SEC(E)/PM-2/2
DATED 19.02.2016.
- P4 TRUE COPY OF THE RELEVANT PORTION OF THE RANK LIST
NO.2012/SEC(E)/SR-2/1 DATED 06.11.2013.
- P5 TRUE COPY OF THE NOTIFICATION NO.E)GP)2012/3/17(RPF)
DATED 12.02.2016.

RESPONDENT(S) ' EXHIBITS

NIL

//TRUE COPY//

P.S.TO JUDGE

Msv/

DEVAN RAMACHANDRAN, J.

.....
WP(C) No.20213 of 2016
.....

Dated this the 30th day of March, 2017.

J U D G M E N T

1. Petitioner has filed this writ petition seeking a declaration that he is entitled to regular promotion as Assistant Security Commissioner with effect from 15.01.2016 in the services of the Railway Protection Force. His grievance appears to be that even though he is fully qualified to be so promoted, he has been denied promotion without assigning any reason.

2. I have gone through the pleadings on record. I do not see that the petitioner has invoked the remedies available with him by approaching the Authorities for consideration of his claim for promotion. All that the petitioner has done is that he preferred Ext.P2 representation before the Director General of the RPF and then immediately approached this Court seeking reliefs.

3. I am of the firm view that these are issues which require to be

considered by the competent Authorities first, before this Court can consider the validity or otherwise of the claim of the petitioner.

4. I say this because, the adjudication of the petitioner's claims requires consideration and evaluation of facts, which are best left to the experts and not to be done by this Court acting under Article 226 of the Constitution of India.

5. In such circumstances, I direct the first respondent to take up Ext.P2 representation made by the petitioner and dispose it of after affording an opportunity of being heard to the petitioner, in terms of the applicable Rules and Regulations relating to promotion in the services of the RPF, as expeditiously as possible, but not later than 30.04.2017. I am fixing this date since I am told that the petitioner is retiring from service on 31.05.2017.

6. I, therefore, order the first respondent to complete the exercise as afore directed within the time granted in this judgment and seek

no further extension.

This writ petition is thus ordered.

(DEVAN RAMACHANDRAN, JUDGE)

jg-1/4