

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 07.03.2017

CORAM:

THE HON'BLE MR. JUSTICE T. RAJA

W.P. No.5549 of 2017

S. Dharmaraj

Petitioner

vs.

1 The Government of Tamil Nadu
represented by its Secretary to Home Department
Fort St. George
Chennai 600 009

2 The Director General of Police
Kamarajar Salai
Mylapore
Chennai 600 004

3 The Superintendent of Police
Coimbatore District

Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking a writ of certiorarified mandamus seeking to call for the records pertaining to the impugned order passed by the third respondent in Na.Ka.No.A-2/23371/2015 dated 17.08.2015 and quash the same and consequently, direct the respondent nos.2 & 3 to revise and regularise the service seniority and give notional promotion with monetary benefits equal to the rank of Sub Inspector of Police to the petitioner.

For petitioner Mr. A. Rajaram

For respondents Mr. V. Jayaprakash Narayanan
Special Government Pleader

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ORDER

Mr. V. Jayaprakash Narayanan, learned Special Government Pleader, accepts notice for the respondents.

2 The petitioner is a Head Constable, who retired from service on 31.03.2006 on reaching the age of superannuation. The petitioner, taking umbrage under the order dated 14.07.2014 passed by the Supreme Court in S.L.P. No.19349 to 19351 of 2014

qua similarly placed persons, has given a representation dated 29.05.2015 to the authorities, seeking promotion by regularisation of his service. The said representation has been rejected by the third respondent vide order dated 17.08.2015 on the ground that there has been neither any order by the Supreme Court to extend the benefit of the order dated 14.07.2014 to other similarly placed persons nor is there any Government Order to that effect. Challenging the said order, the petitioner is before this Court.

3 At this juncture, it is quite felicitous to point out that after having retired from service way back on 31.03.2006, the petitioner has approached the authorities for the first time on 29.05.2015 with a delay of nine long years, seeking promotion by regularisation of his service. This Court does not find any sufficient cause for the petitioner to remain quiet for almost a decade and wake up from slumber like Rip Van Winkle. The records also show that the petitioner has not followed up the matter by giving any representation subsequent to his representation dated 29.05.2015, which has been rejected by the impugned order. Thus, when the petitioner is found guilty of delay, laches and acquiescence, this Court is not inclined to entertain his stale claim.

In the result, this writ petition fails and is accordingly dismissed as being devoid of merits. Costs made easy.

-s/d-

Assistant Registrar (CS-III)

True Copy

Sub-Assistant Registrar

To

- 1 The Secretary to Home Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009
- 2 The Director General of Police
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Mylapore
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Coimbatore District

+1 CC to Mr. A. Rajaram, sr 14772
+1 CC to Govt. Pleader sr 14860

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VGI (CO)
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