

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.3095/2017

S.Karmegam

..Petitioner

Vs

1.The Commissioner of Police
Greater Chennai Police, Vepery
Chennai-07.

2.The Superintendent of Police
District Police Office,
Nagapattinam District.

..Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent herein to send the petitioner's Service Register to the 2nd respondent based on the proceedings of the 2nd respondent in Na.Ka.No.A2/12785/2013 dated 09.04.2015 and consequently direct the 2nd respondent to fix the pay and seniority of the petitioner and grant consequential service benefits within a time frame.

For Petitioner : Mr.G.Bala for M/s.Bala & Daisy
For Respondents : Mr.P.Senthilvel, GA

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate, accepts notice on behalf of the respondents.

2. The petitioner joined the Police Services as Grade II Police Constable in the year 1997 and was attached to the Tamil Nadu Special Police I Battalion, Trichy and was transferred to the Armed Reserve, Chennai City Police on 10.12.2012 and was again transferred to the Armed Reserve, Nagapattinam on 13.08.2013 and at present, he is working in Nagur Police Station and according to him, he has received very many awards for his efficient service and also maintaining good record of service and his services have been appreciated by many of the superior officers. The grievance expressed by the petitioner is that he has not been granted regular increment after his transfer to the present post and

when he approached the 2nd respondent for getting the said relief, he was informed that his Service Register has not been received from the 1st respondent and as such, the 2nd respondent is unable to refix his seniority and grant regular increments to the petitioner. The petitioner was repeatedly submitting representations and also sought to obtain information for the non-sending of the Service Register by invoking the provisions of the Right to Information Act, 2005 and the 2nd respondent, vide communication dated 09.04.2015, had requested the 1st respondent to forward the Service Register of the petitioner so as to enable him to pass appropriate orders, granting annual increments, Surrender Leave benefits etc., and despite such a communication, the office of the 1st respondent did not forward the same and therefore, the petitioner came forward to file the present writ petition.

3. The learned counsel for the petitioner would submit that on account of the non-receipt of the Service Register for nearly three years, he is in receipt of the basic pay only and his legal entitlements such as regular increments have not been paid and therefore, the petitioner is constrained to approach this Court.

4. Per contra, Mr.P.Senthilvel, learned Government Advocate appearing for the respondents has produced the Memorandum issued by the office of the 1st respondent in RC.No.Estt.V[4]/54/31252/2014 dated 08.02.2017 before this Court today and would submit that the 2nd respondent has been informed that the Service Roll/Register in respect of the petitioner has been forwarded to him and therefore, prays for closure of the writ petition.

5. The Court has considered the rival submissions and also perused the materials placed before it.

6. The attitude exhibited by the office of the 1st respondent would prima facie disclose that the officials working under the control of the 1st respondent are insensitive to the agony being undergone by the petitioner for not sending the Service Register in respect of the transfer of the petitioner to the Armed Reserve, Nagapattinam on time and such inaction on the part of the officials attached to the office of the 1st respondent is deprecated and if necessary, appropriate action may be taken against them also.

7. In the light of the subsequent development, viz., the Service Roll/Register of the petitioner has been forwarded to the 2nd respondent vide communication of the office of the 1st respondent dated 08.02.2017 in RC.No.Estt.V[4]/54/31252/2014, which is taken on file and record, no further orders are necessary in this writ petition. However, the 2nd respondent, upon receipt of the Service Roll/Register of the petitioner, is directed to take appropriate steps to fix the seniority of the petitioner and grant annual increments as well as pay the arrears within a period of four weeks from the date of receipt of a copy of this order.

8.The writ petition stands disposed of with the above direction. No costs.

Sd/-
Asst.Registrar (CS VI)

/true copy/

Sub Asst. Registrar

To

1.The Commissioner of Police
Greater Chennai Police, Vepery
Chennai-07.

2.The Superintendent of Police
District Police Office,
Nagapattinam District.

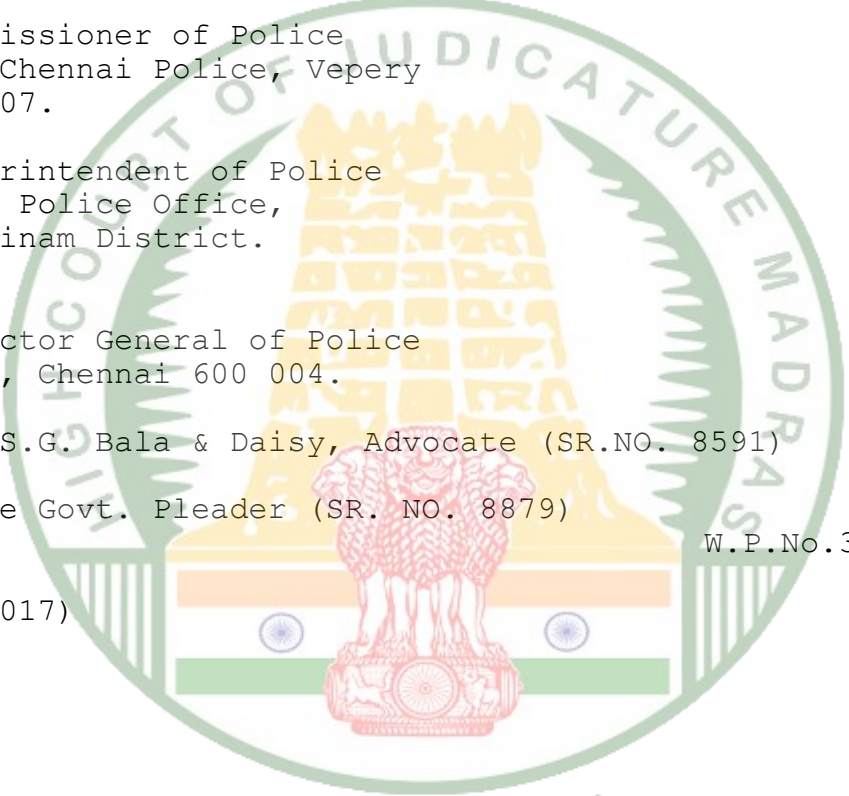
Copy to:-
The Director General of Police
Mylapore, Chennai 600 004.

+1cc to M/S.G. Bala & Daisy, Advocate (SR.NO. 8591)

+1cc to the Govt. Pleader (SR. NO. 8879)

W.P.No.3095/2017

CP(CO)
VR(17/02/2017)



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