

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.02.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.4995 of 2017

A.G.Subramanian

..Petitioner

Vs

1. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.
2. The Director General of Police,
Chennai j- 600 004.
3. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus to direct the respondents herein to consider the petitioner's representation dated 11.11.2016 in accordance with the decision of this Court rendered in W.P.No.25043/2002 dated 18.09.2007 and in the light of G.O.Ms.No.1623, Home (Pol.V) department dated 12.12.2008 by refixing the petitioner's seniority with all consequential benefits.

For Petitioner : Mr.K.Rajasekaran

For Respondents : Mrs.M.E.Rani Selvam,
Additional Government Pleader.

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O R D E R

By consent, the writ petition is taken up for final disposal. Mrs.M.E.Rani Selvam, Additional Government Pleader accepts notice on behalf of the respondents.

2. The petitioner was selected and appointed as Police Constable Grade-II on 20.02.1986 and got his promotion to the post of Police Constable Grade-I on 25.08.1993. The petitioner was further promoted as Police Head Constable on 22.01.1998 and was further promoted as Special Sub-Inspector of Police on 21.06.2016 and at present, he is attached to Armed Reserved

3. The petitioner would further aver that he was posted to Motor Transport Wing and the persons posted in the Armed Reserve Unit have got quicker promotion and better emoluments and thus, the matter was taken to the superior authorities and pendency of the same, two constables, namely N.K.Kaladharan and C.Raghupathy had approached this Court by filing W.P.No.25043/2001 and the Division Bench of this Court, by order dated 18.09.2007, held that there cannot be a separate seniority list for Armed Reserve Unit and Motor Transport Wing and further held that the date of appointment shall be taken as the crucial date for fixing the seniority and to effect promotion. The 3rd respondent has also implemented the said order vide G.O.Ms.No.1623 Home (POL-V) Department dated 12.12.2008. It is the claim of the petitioner that he is similarly placed like N.K.Kaladharan and C.Raghupathy. In this regard, he submitted a representation dated 11.11.2016 to the respondents 1 to 3 and despite receipt and acknowledgment, no orders have been passed so far. Hence, he came forward to file this writ petition.

4. Heard the submission of the learned counsel for the petitioner and Mrs.M.E.Rani Selvam, learned Additional Government Pleader appearing for the respondents.

5. Though the petitioner prays for a larger relief, this Court, in the light of the above facts and circumstances, directs the 1st respondent to act on the representation dated 11.11.2016, submitted by the petitioner, in the light of G.O.Ms.No.1623 Home (POL-V) Department dated 12.12.2008, and forward necessary proposal to the 2nd respondent within a period of four weeks from the date of receipt of a copy of this order and the 2nd respondent, on receipt of the same, shall process the said proposal and forward the same to the 3rd respondent within a further period of six weeks thereafter and the 3rd respondent, on receipt of the same, is directed to consider the said proposal on merits and in accordance with law and pass appropriate orders within a further period of six weeks thereafter and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

Sd/-

Asst.Registrar

/true copy/

Sub Asst. Registrar

vsi

To

1. The Commissioner of Police,
Greater Chennai, Vepery,
Chennai - 600 007.

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

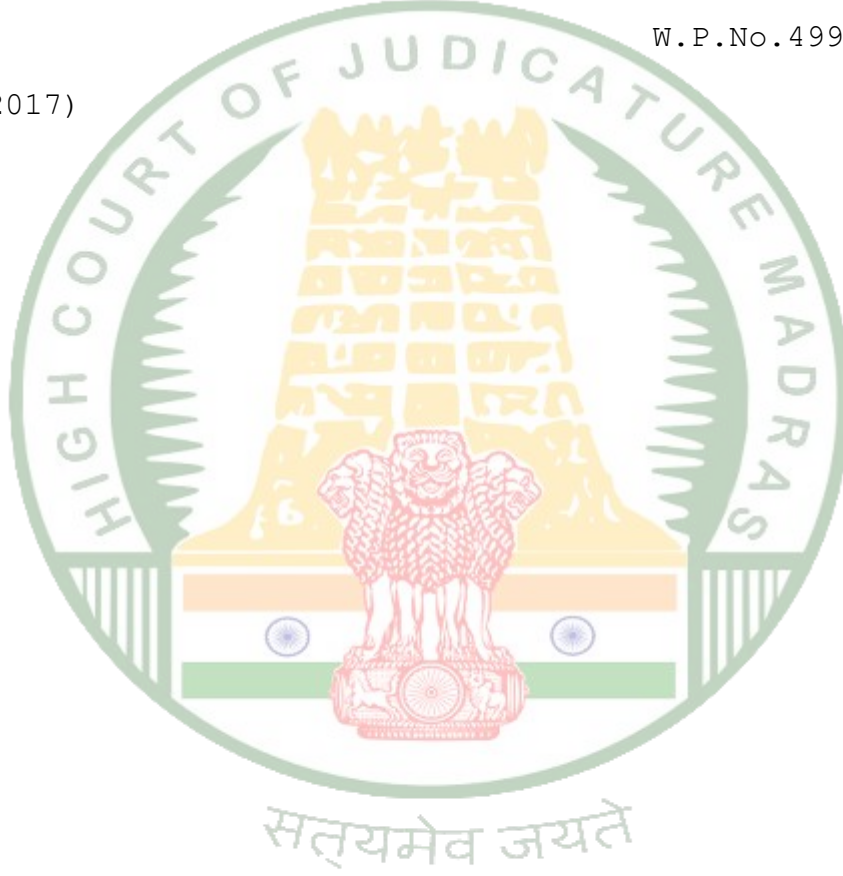
3. The Home Secretary,
Government of Tamil Nadu,
Secretariat, Fort St.George,
Chennai - 600 009.

+1cc to Mr.K.Rajasekaran,Advocate sr.13347

+1cc to Government Pleader sr.13584

W.P.No.4995 of 2017

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