

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 18.12.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.No.32869 of 2017

U.Barkath

.. Petitioner

-vs-

1. The Director General of Police
Chennai-4
2. The Additional Director General of Police
Armed Police
Chennai-10
3. The Commissioner of Police
Armed Reserve
Coimbatore City
Coimbatore District .. Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned order passed by the third respondent in RC.No.N2/16178/2017 dated 26.10.2017, quash the same and further direct the respondent to convert the petitioner as Grade II police constable by transfer/by recruitment by transfer from Armed Reserve Coimbatore to General line within a reasonable time.

For Petitioner :: Mr.A.Tamilrajan

For Respondents :: Mr.R.A.S.Senthilvel
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order dated 26.10.2017, refusing the request of the petitioner for his conversion from Bugler Police Constable to Grade II Police Constable, on the ground that the Bugler Police Constables cannot be equated to the services rendered by the Grade II Police Constables recruited directly.

2. When the petitioner was appointed as a Bugler Police Constable by order dated 18.1.2010, after serving for a long time, a request was made to the respondents to transfer him from Armed Reserve, Coimbatore to General line within a reasonable time. The representation was rejected by the impugned order dated 26.10.2017 containing four reasons. A perusal of the impugned order shows that when the Bugler selection conducted during the year 1993-94 was abandoned due to the intervention of the erstwhile Tamil Nadu Administrative Tribunal on the plea that the Tamil Nadu Uniformed Services Recruitment Board is the authorized agency to conduct the recruitment process, after that selection, no Bugler Police Constable selection was conducted.

3. Secondly, the Government in G.O.Ms.No.877, Home (Pol.9) Department dated 5.10.2005 issued orders for recruitment process, based on which special recruitment for selection of Band Police Constables was conducted by the Inspector General of Police, Armed Police, Chennai. Only after thorough police verification, the qualified candidates were appointed as Band Police Constables and they were given training for seven months at the Regimental Centre, Avadi from 18.1.2010 to 17.8.2010 and after completion of the training, they were all functioning as Bugler Police Constables. In the meanwhile, the Government also have issued specific guidelines and qualifications for recruitment of Band Police Constables which are vastly different from the recruitment process followed for the recruitment of Grade II Police Constables, which is more rigorous. Therefore, the respondents have come to the conclusion that when the selection process involved for selecting Bugler Police Constables and Grade II Police Constables are quite different, they are not able to concede to the request of the petitioner for conversion from Band Police Constable to Grade II Police Constable.

4. The respondents have also cited two more reasons that if the petitioner's claim is conceded, then the seniority and promotional aspects of those Grade II Police Constables who have been appointed directly as Grade II Police Constables in the Tamil Nadu Special Police and Armed Reserve will be seriously affected.

5. This Court finds no infirmity in the reasons given in the impugned order. Moreover, when the Bugler Police Constables were appointed specifically for the purpose of holding parade and other important official functions, if they are all permitted to get conversion from Bugler Police Constables to Grade II Police Constables, I am afraid that the department may have to go for hiring out private Buglers and the purpose of appointing the petitioner as a Bugler Police Constable itself would be defeated. Even otherwise, the persons who have been appointed

as Bugler Police Constables cannot ask for conversion as a matter of right. Therefore, this Court is not inclined to interfere with the impugned order. Accordingly, the writ petition fails and it is dismissed. Consequently, W.M.P.No.36230 of 2017 is also dismissed. No costs.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police
Chennai 600 004
 2. The Additional Director General of Police
Armed Police
Chennai 600 010
 3. The Commissioner of Police
Armed Reserve
Coimbatore City
Coimbatore District.
- + 1 cc to Mr.A. Tamilrajan, Advocate SR.90192
+ 1 cc to Mr. Government Pleader SR.90850

W.P.No.32869 of 2017

KJI(CO)
EU(17/01/2018)

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