

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.02.2017

CORAM

THE HONOURABLE MR. JUSTICE M. SATHYANARAYANAN

W.P. No. 2519 of 2017

V. Subbiah

..Petitioner

Vs.

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.
2. The Inspector General of Police,
Central Zone, Trichy.
3. The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.
4. The Superintendent of Police,
Thiruvarur District, Thiruvarur.

..Respondents

Prayer: Petition under Article 226 of the Constitution of India praying for issue of a Writ of Mandamus directing respondents 1 and 4 to revise and regularise the service seniority and give promotion to the post of Inspector of Police rank to the petitioner from the year 2013 with monetary benefits on par with V. Ravichandran and on the basis of the petitioner's representation dated 15.07.2014.

For Petitioner :: Mr.A. Rajaram

For Respondents :: Mr.P. Chinnadurai,
Govt. Advocate

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O R D E R

By consent, the main writ petition itself is taken up for final disposal.

2. Mr.P. Chinnadurai, learned Government Advocate accepts notice on behalf of the respondents.

3. The petitioner was appointed as a Grade II Police Constable on 01.04.1986 in Tamil Nadu Special Police Battalion and on 01.10.1994, he was transferred to Armed Reserve, Sivagangai District and got promotion as Grade I Police Constable on 01.04.1996 and further promotion as Head Constable on 01.04.2001. After successful completion of his probationary period of Head Constable on 30.07.2004, the petitioner was also promoted as Special Sub Inspector of Police on 01.04.2011 and at present, he is working at Thiruvavur and claims to have rendered hard, sincere and blemishless service, to the satisfaction of his superiors. The petitioner would further submit that though he had completed four years of service as Head Constable, during the year 2004 and had been eligible to attend the Board Exam for SI promotion, he was not allowed to participate in the said examination and later, on 01.04. 2011, he was promoted as Special Sub Inspector of Police. It is the case of the petitioner that one of his batchmates, namely, V. Ravichandran (HC 13022) filed a writ petition before this Court praying to revise and regularise the service seniority and pursuant to the orders of this Court, he was promoted and at present, he is serving as Inspector of Police in Armed Reserve, Chennai City. The grievance of the petitioner is that since he could not appear for Board Examination for SI promotion in the year 2004, he could not attain promotion, on par with his batchmates and only belatedly, he was given promotion to the post of Special Sub Inspector of Police. In this regard, the petitioner has submitted a representation to the respondents on 26.06.2014 through proper channel. Since no orders have been passed, came forward to file the present writ petition.

4. Learned counsel for the petitioner would submit that similarly placed persons, namely, P. Nagarajan and S. Balasubramanian had filed W.P. Nos. 317/2010 and 413/2010 respectively on the file of Madurai Bench of this Court and pursuant to the orders passed by this Court, got their service seniority and consequential benefits and since the petitioner is similarly placed, he is also entitled to the said relief and therefore, prays for appropriate orders.

5. This Court heard the submissions of Mr.P. Chinnadurai, learned Government Advocate, who appears for the respondents.

6. Though the petitioner prays for a larger relief, this Court, in the light of the facts and circumstances of the case, without going into the merits of the claim projected by the petitioner, either in his representation or in the writ petition, directs the 4th respondent and 1st respondent to consider the petitioner's representation dated 15.07.2014 and

pass orders on the same, on merits and in accordance with law, after taking into consideration, the above cited orders as well as G.O.Ms. 650 Home (Police-III) Department dated 19.07.2010, within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken to the petitioner. The writ petition is disposed of accordingly. No costs.

s/d-
Assistant Registrar (CS-VI)

//True Copy//

Sub-Assistant Registrar

To

1. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.
2. The Inspector General of Police,
Central Zone, Trichy.
3. The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.
4. The Superintendent of Police,
Thiruvarur District, Thiruvarur.

+1 CC to M/s. A. Raja Ram, sr 6589

+1 CC to Govt. Pleader, sr 7437

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