

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.11.2017

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.30540 of 2013

T.Nagarajan

..Petitioner

Vs.

1.Inspector General of Police
Railways, Chennai.

2.Deputy Inspector General of Police
Railways, Chennai - 600 008.

3.Superintendent of Police
District Police Office, Railways
Chennai 600 008.

..Respondents

Prayer:Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records of the impugned proceedings dated 29.11.2011, bearing proceedings No.RC.No.A1/4581/2011, passed by the first respondent and quash the same and further issue necessary direction to the respondents to consider the petitioner for promotion as Sub-Inspector of Police for the year 2005 with all consequential service benefits.

For Petitioner :Mr.A.Prabhakaran

For Respondents:Mr.K.Thangapandi
Government Advocate

O R D E R

The relief sought for in this Writ Petition is to quash the impugned proceedings dated 29.11.2011, issued by the first respondent and to direct the respondents to consider the case of the petitioner for promotion as Sub-Inspector of Police, for the year 2005, with all service benefits.

2.The writ petitioner was appointed as Grade II Police Constable on 01.08.1994 in Chengalpattu West District, Armed Reserve and thereafter, during the year 1985, he was transferred and posted to Railway Police. The petitioner would

submit that though he was promoted as Grade-I Police Constable on 22.07.1997 and further promoted as Head Constable on 23.08.2002, his name was not considered for promotion to the post of Sub-Inspector of Police.

3.In that regard, the writ petitioner earlier approached this Court by filing W.P.No.5417 of 2006, and this Court disposed of the said Writ Petition on 15.07.2010, by granting liberty to the petitioner to file a representation before the first respondent therein within a period of two weeks and also directed the first respondent therein to consider the representation submitted by the writ petitioner and pass orders, within a period of eight weeks from the date of receipt of the representation.

4.Pursuant to the order passed by this Court, the first respondent issued an order in proceedings dated 29.11.2011, by stating that since the petitioner has not completed four years of service as Head Constable, when the written test was announced by them, his name was left out. However, in the said proceedings it was also stated that the case of the left out persons were considered and all those left out candidates were directed to represent to participate in the written test, but, since the petitioner did not represent, his claim for promotion was rejected.

5.When the writ petitioner himself has not completed four years of required service at the time of announcement of the written test, he was not initially qualified. Even during the second occasion, when liberty was given to the writ petitioner, he had not participated in the written test and hence his case for promotion could not be considered, either by the Department or by this Court. The promotional opportunity was not provided to the petitioner, on account of his own act and therefore, the writ petitioner cannot blame the respondents in this regard. Having not participated in the written test, the claim made in this Writ Petition deserves no further consideration.

Accordingly, the Writ Petition stands dismissed. No costs.

s/d-
Assistant Registrar(CS VIII)

True Copy

Sub-Assistant Registrar

rpa

To

1. Inspector General of Police
Railways, Chennai.

2. Deputy Inspector General of Police
Railways, Chennai - 600 008.

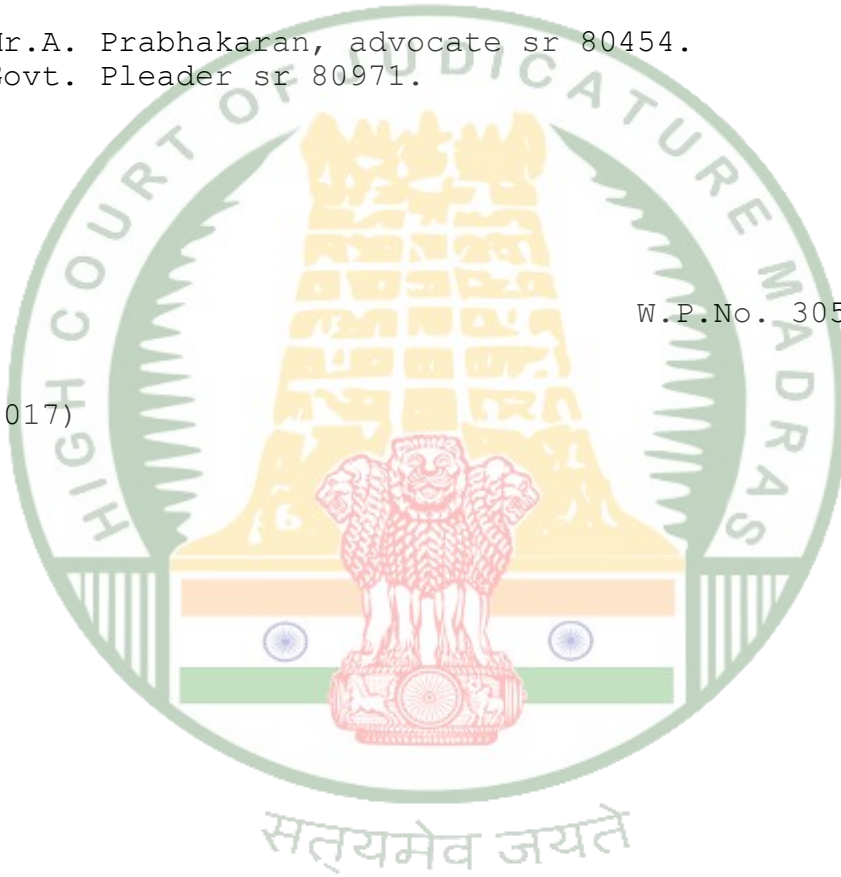
3. Superintendent of Police
District Police Office, Railways
Chennai 600 008.

+1 CC to Mr.A. Prabhakaran, advocate sr 80454.

+1 Cc to Govt. Pleader sr 80971.

W.P.No. 30540 of 2013

SR(CO)
SP(04/12/2017)



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