

I N THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26-07-2017

CORAM:

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.19017 of 2017

R.Selvam

Petitioner

vs.

The Director General of Police,
Director General of Police Office,
Kamarajar Salai,
Chennai-600 004.

.. Respondents

This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondent to consider the petitioner's representation dated 5.6.2017 and to direct the respondent to follow the seniority in the selection of Sub Inspector of Police.

For Petitioner : Mr.M.Madhu Prakash

For Respondent : Mr.S.Gunasekaran,
Additional Government Pleader.

O R D E R

The relief sought for in this writ petition is for a direction to the respondent to consider the petitioner's representation dated 5.6.2017 and direct the respondent to follow the seniority in the selection of Sub Inspector of Police.

2. The writ petitioner is now holding the post of Special Sub Inspector of Police and submitted a representation to the respondent on 5.6.2017. On perusal of the representation dated 5.6.2017, it is stated that the writ petitioner joined the Police Department as Grade II Police Constable on 17.11.1988 and promoted to the post of Special Sub Inspector of Police on 17.11.2013.

3. The writ petitioner claims that he has got unblemished record of service and received a certificate of commendation from the Superintendent of Police, Salem District. Further, it is stated that he has completed 28 years of service and all the women Police Officers joined in the year 1991 have completed 25 years of service and those junior

women Officers were appointed as regular Sub Inspector of Police. But the petitioner, being a senior, has not been considered for promotion to the post of Sub Inspector of Police.

4. Thus, the writ petitioner pleads that the promotion of women Grade I Constable to the post of Sub Inspector is affecting the Grade II Police Constables joined in the Police Department much earlier to those women police.

5. The learned Additional Government Pleader, on behalf of the respondent, stated that the rules applicable to the women police are not applicable to the Grade II Constables like that of the writ petitioner. Further, the seniority is also separate between women Police Officers and men Police Officers, the question of considering the writ petitioner, on par with the women Police Officers, does not arise at all.

6. The writ petitioner can claim seniority and promotion only in the line of male Police Officers in accordance with the respective seniority and not otherwise. This being the service rules relating to the women Police Officers and men Police Officers, the very claim set out in the writ petition deserves no consideration.

7. Apart from this, neither the panel published by the respondent nor any promotion of junior, is challenged in this writ petition. In the absence of challenging any of the panel or promotion, the petitioner cannot move this writ petition, seeking promotion, since promotion can never be claimed as a right.

8. Consideration for promotion shall be claimed as a matter of right but not the promotion. Thus, no case is made out in the writ petition and the petitioner has not shown any panel or promotion order affecting his rights.

9. Such being the factum of this case, further consideration on the claim made out by the writ petitioner deserves no consideration and this Court cannot simply direct the respondent to consider the representation in a routine manner in the absence of establishing any semblance of right and violation of such a right.

10. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

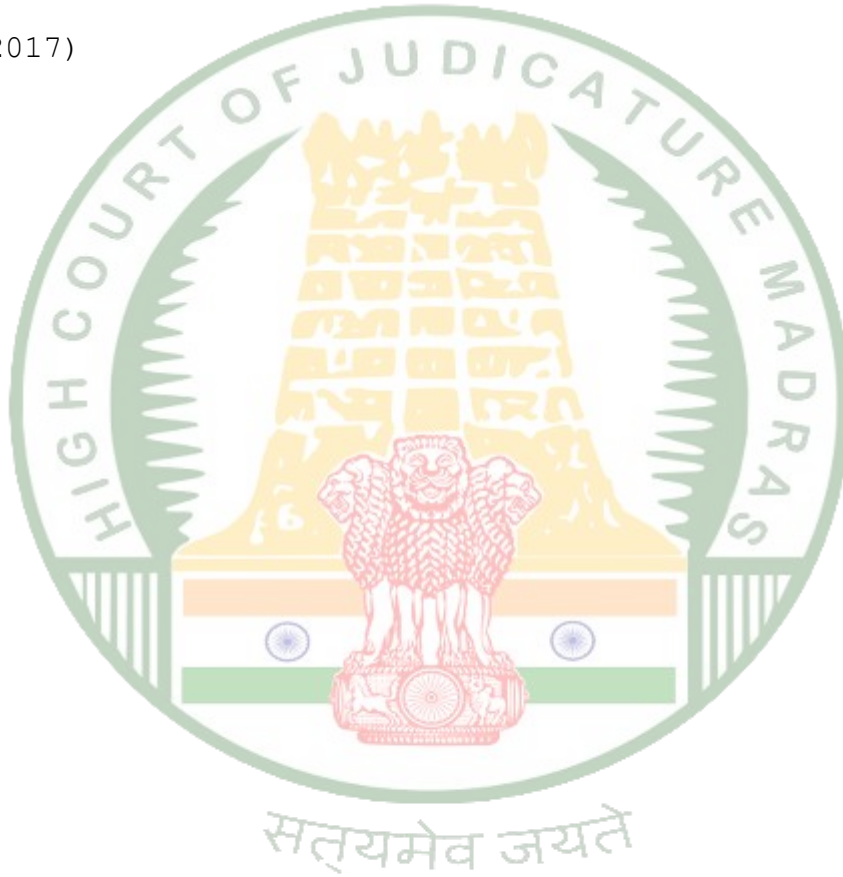
To

The Director General of Police,
office of the Director General of Police Office,
Kamarajar Salai,
Chennai-600 004.

+1cc to Government Pleader SR.No.53681

W.P.No.19017 of 2017

RR(CO)
GN(10/08/2017)



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