

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.11.2017

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.29509 & 29510 of 2017

M.Ramachandran .. Petitioner in W.P.No.29509 of 2017
P.Ramalingam .. Petitioner in W.P.No.29510 of 2017

-VS-

1. Secretary to Government
Home Department
Fort St.George
Chennai 600 009
2. Director General of Police
Chennai 600 004
3. Superintendent of Police
District Police Office
Salem District .. Respondents in both the Writ
Petitions

Petitions under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent herein in his proceedings Na.Ka.No.A2/161/30545/2015 dated 21.03.2016 and Na.Ka.No.A2/246/37178/2015 dated 28.09.2015 respectively, and quash the same and consequently direct the respondents herein to notionally promote the petitioners as Special Sub Inspector of Police on completion of 25 years of service as per G.O.Ms.No.15 Home (Police IV) Department dated 7.1.2010 and in the light of the Division Bench Judgment rendered in W.A.(MD) Nos.1506/2011 etc., batch dated 17.06.2013 and R.A.(MD) Nos.10 to 12 of 2013 dated 02.07.2013 and further confirmed by the Supreme Court in SLP (C) Nos.9754-9756/2015 dated 14.07.2014 and in the light of G.O.Ms.No.167 (Home Police VI) Department dated 02.03.2017 and to re-fix the petitioners pension with all consequential monetary and service benefits, within a time frame as deemed fit by this Hon'ble Court.

For Petitioners :: Ms.S.Nirmala Daisy for
M/s G.Bala and Daisy
For Respondents :: Mr.V.Jayaprakash Narayanan
Special Government Pleader

ORDER

The petitioners have filed these writ petitions after ten years of their retirement in the post of Head Constable. Therefore, the prayer made by the petitioners seeking notional promotion on the basis of G.O.Ms.No.15 Home (Police IV) Department dated 7.1.2010 and in the light of the Division Bench Judgment rendered in W.A.(MD) Nos.1506/2011 etc., batch dated 17.06.2013 and R.A.(MD) Nos.10 to 12 of 2013 dated 02.07.2013 and further confirmed by the Supreme Court in SLP (C) Nos.9754-9756/2015 dated 14.07.2014, has been rightly refused citing the reason of long delay of eight years in approaching the department.

2. A perusal of the impugned orders clearly show that the petitioners retired from service in the year 2007, therefore, the refusal of the belated request made by them to extend the benefit of G.O.Ms.No.15, Home (Police IV) Department dated 7.1.2010 after eight years of their retirement, cannot be found fault with. Hence, the writ petitions are dismissed for laches. Secondly, G.O.Ms.No.15 dated 7.1.2010 cannot be given retrospective effect, since the petitioners retired three years prior to the date of issuance of the said Government Order. No costs.

Sd/-
Asst.Registrar (CS VII)

/true copy/

Sub Asst. Registrar

ss

To

1. The Secretary to Government
Home Department
Fort St.George
Chennai 600 009

2. The Director General of Police
Chennai 600 004

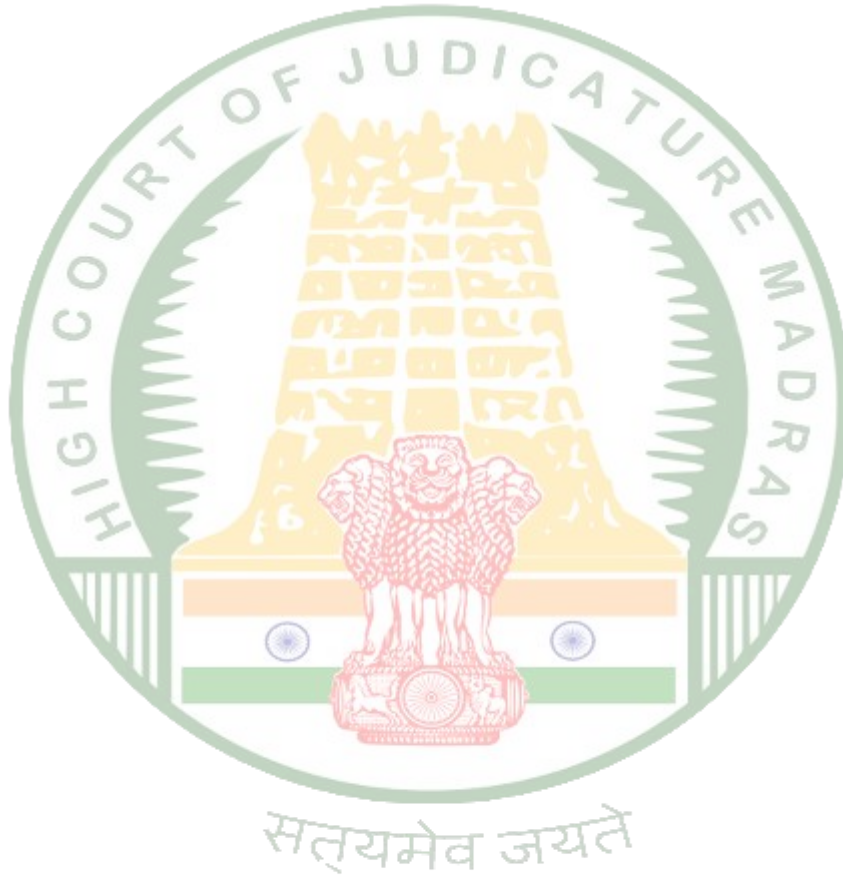
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3. The Superintendent of Police
District Police Office
Salem District

+ 2 cc to M/s G.Bala and Daisy Advocate, SR.81750, 81749
+ 1 cc to The Govt.Pleader, SR.82424

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NR 08/12/2017



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