

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44182/2016

E.Selvam

.. Petitioner

Vs

1.The Director General of Police
Law & Order, Chennai-4.

2.The Additional Director General of Police
Kilpauk, Chennai-10.

3.The Commandant
Tamilnadu Special Police
Battalion II "F" Company
Avadi-62.

.. Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 1st respondent to pass orders on the representation made by the petitioner dated 28.10.2016 for seeking conversion from Tamil Nadu Special Police to Taluk Police as a Sub Inspector of Police in respect of the petitioner within a reasonable time.

For Petitioner : Mr.A.Tamilrajan
For Respondents : Mr.K.Dhananjayan, Spl.GP

ORDER

By consent, the writ petition is taken up for final disposal. Mr.K.Dhananjayan, learned Special Government Pleader accepts notice on behalf of the respondents.

2 The petitioner was initially recruited as Grade II Police Constable in the selection conducted by the Tamil Nadu Uniform Services Recruitment Board [TNUSRB] and was appointed to service on 15.04.1997 and got promotion as Havildar and Sub-Inspector respectively in category-III in the year 2008. He had put in 8 years of service without any remarks in TSP V

Battalion. The petitioner also claimed that his service has been meritorious. The petitioner would further state that as per G.O.Ms.NO.1512, Home [Police] Department, dated 09.10.1996, a scheme has been approved for transfer of Sub-Inspectors of Police [Armed Reserve/Tamil Nadu Special Police] to the local police as one time measure, subject to fulfillment of the conditions, viz., [a]he must be a graduate ; [b]he should not have completed 40 years of age ; and [c]he should have completed five years of service as Sub-Inspector in AR/TSP Battalion. In terms of the above Government Order, the Sub-Inspectors serving in AR/TSP Battalion, have been sent for prescribed training for conversion to the local police and as per the recommendation of the Police Commission, the Director General of Police suggested that 10% of the vacancies under the direct recruitment for the post of Sub-Inspectors may be reserved for the Sub-Inspectors serving in AR/TSP Battalion. The Government had also accepted the recommendation of the Director General of Police and issued G.O.Ms.NO.1498, Home [Pol.III] Department, dated 05.11.1997 and in paragraph 4, had directed that direct recruitment quota for Sub-Inspectors will be filled up in the prescribed manner. It is the claim of the petitioner that as per paragraph 4 of the above cited Government Order, he is fully qualified for such transfer to the local police from TSP Battalion and in fact, as per G.O.Ms.NO.312, Home [Pol.III] Department, dated 04.04.2003, seven persons similarly placed, have been conferred with such a benefit. The grievance expressed by the p is that though the age limit is prescribed as 40 years for conversion, on account of delay, the petitioner has become over aged and in similar facts and circumstances, the Government had also granted exemption to persons who had crossed the age of 40 years by taking into account five years of completion of service in Armed Reserve/Tamil Nadu Special Police Battalion and were transferred to the local police. In this regard, the petitioner has submitted a representation dated 28.10.2016 to the respondents 1 and 2 through proper channel and since it has not been considered and given disposal, the petitioner came forward to file this writ petition.

3 Heard the learned counsel for the petitioner and Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents.

4 Though the petitioner has prayed for a larger relief, this Court, in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 28.10.2016 on

merits and in accordance with law and pass orders 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.

5 The writ petition stands disposed of with the above direction. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

AP

To

- 1.The Director General of Police
Law & Order, Chennai-4.
- 2.The Additional Director General of Police
Kilpauk, Chennai-10.
- 3.The Commandant
Tamilnadu Special Police
Battalion II "F" Company
Avadi-62.

+1cc to Mr.Tamil Rajan, Advocate, S.R.No.7
+1cc to the Government Pleader, S.R.No.231

PK(CO)
RS(20/01/2017)

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