

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 03.01.2017

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44628 of 2016

S.Rathinam

..

Petitioner

Vs

1.The State of Tamil Nadu
Rep.by its Home Secretary,
Fort St.George,
Chennai - 600 009.

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

3.The Deputy Inspector General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

..

Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing the 2nd respondent to dispose of the representation dated 20.09.2016 to grant notional promotion alongwith consequential monetary and service benefits such as refixation of seniority, pay and pension within a time frame.

For Petitioner : Ms.M.Amudha
for M/s.R.Karthikeyan

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

ORDER

By consent, the writ petition is taken up for final disposal. Mr.P.Senthilvel, learned Government Advocate accepts notice on behalf of the respondents.

2. The petitioner would state that he joined the Tamil Nadu Police Service as a Grade II Police Constable on 03.01.1977 and got promoted to the post of Grade I Police Constable on

09.05.1994. However, the said promotion was given only after a lapse of 17 years and as such, the subsequent promotions were also delayed. The petitioner would aver that he got his upgradation as Special Sub-Inspector of Police on 10.06.2010 and retired from service on attaining the age of superannuation on 30.04.2012.

3. The grievance now expressed by the petitioner is that despite G.O.Ms.No.844 Home (Pol.V) Department dated 03.06.1997 as well as G.O.Ms.No.15 Home (Pol.V) Department dated 07.01.2010, his promotion to the post of Grade I Police Constable was unduly delayed and so also upgradation as Special Sub-Inspector of Police. Therefore, he submitted a detailed representation on 20.09.2016 to the respondents 1 to 3 praying for re-fixation of seniority and consequential monetary and service benefits. Since it is yet to be disposed of, the petitioner came forward to file the present writ petition.

4. The learned counsel for the petitioner would submit that the matter is squarely covered by the order of this court dated 13.07.2016 in WP No.23849 of 2016 [K.Selvam vs. State of Tamil Nadu, Rep.by its Home Secretary, Fort St.George, Chennai and others] and also drawn attention of this court to the proceedings of the Deputy Inspector General of Police, Tirunelveli Range dated 27.03.2015 which came to be passed based on the compliance of the order of this Court in WP (MD) Nos.2888, 2989 and 4864 of 2011 and therefore prays for appropriate orders.

5. This Court heard the submissions of Mr.P.Senthilvel, learned Government Advocate appearing for the respondents.

6. 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 either in his representation or in this writ petition, directs the second respondent to consider and dispose of the petitioner's representation dated 20.09.2016, on merits and in accordance with law and pass appropriate orders, within a period of ten (10) weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

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

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

rgr

To
The Home Secretary
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

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

3.The Deputy Inspector General of Police,
Post Box No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

+1cc to Mr.R. Karthikeyan, Advocate, S.R.No.1012
+1cc to the Government Pleader, S.R.No.751

ssi(CO)
md(01/02/2017)

सत्यमेव जयते

W.P.No.44628 of 2016

WEB COPY