

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.01.2017

CORAM:

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.44668 of 2016

Thiru V.Kaliappan

... Petitioner

Vs

1. The Secretary to Government
Home [Police] Department,
Fort St George, Chennai 600 009.

2. The Director General of Police
Chennai 600 004.

3. The Commissioner of Police
Vepery, Chennai-07.

... Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of mandamus directing 1st respondent to pass order on the representation made by the petitioner dated 08.11.2016 to regularise the service of the petitioner in the post of Sub Inspector of Police with effect from 13.04.1987 and grant him all other consequential service and monetary benefits.

***Prayer amended as per the order dated 25.01.2017 in WMP.No.677/2017 in WP.No.44668/2017.

For Petitioner : Mr.A.Tamilrajan

For Respondents : Mr.K.Dhananjayan,
Special Government Pleader

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ORDER

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

2. The petitioner was initially appointed as directly recruited Grade II Police Constable on 07.07.1970 and upgraded as Grade-I Police Constable on 13.08.1973 and further upgraded as Head Constable on 19.05.1980. According to the petitioner, he is due for his next promotion to the post of Sub Inspector of Police and he has also appeared before the Range Promotion Board in the year 1985 and secured 59 marks. However, he was

given temporary promotion as Sub Inspector of Police on 13.04.1987 and promoted as Inspector of Police in the year 2002 and retired from service on 31.01.2008. The grievance expressed by the petitioner is that though he was qualified for promotion to the post of Sub Inspector of Police, his name was not included in the "C" List, in the year 1985 and in the next Range Promotion Board in the year 1991, the petitioner was not called upon to appear and persons aggrieved, filed OA.No.2176/1991 before the Tamil Nadu Administrative Tribunal and in the light of the orders passed in the said legal proceedings, the Madras City Police has conducted a range promotion and reviewed the case of 188 Head Constables who had participated in the promotion test held in 1985 and decided to include the names of 176 Head Constables in the "C" List and the name of the petitioner was placed in Sl.No.85 in the said list for the year 1985. The petitioner would further aver that one Padmanaban also filed WP.No.21457/2007 to revise the date of his regularisation and it was ordered and WA.No.776/2011 filed by the official respondents also came to be dismissed, so also the Special Leave Petition filed before the Hon'ble Supreme Court of India and thereafter, the order was implemented and since the petitioner herein is similarly placed like that of the petitioner in that writ petition, he has submitted a representation dated 08.11.2016, praying for regularisation of his services in the post of Sub Inspector of Police with effect from 13.04.1987 and in spite of receipt and acknowledgment of the same, no orders have been passed and hence, he came forward to file the present writ petition.

3. The learned counsel for the petitioner would submit that in the light of the above facts and circumstances, positive order may be passed, directing the respondents to promote the petitioner to the post of Sub Inspector of Police with effect from 13.04.1987 and confer all consequential service and monetary benefits to the petitioner.

4. Per contra, Mr.K.Dhananjayan, learned Special Government Pleader appearing for the respondents would contend that the claim of the petitioner is hit by delay and laches and as such, he is not entitled to any relief.

5. This Court has considered the rival submissions and also perused the typed set of documents.

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, directs the respondents 1 to 3 to consider and dispose of the petitioner's representation dated 08.11.2016 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.

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

Sd/-
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

AP

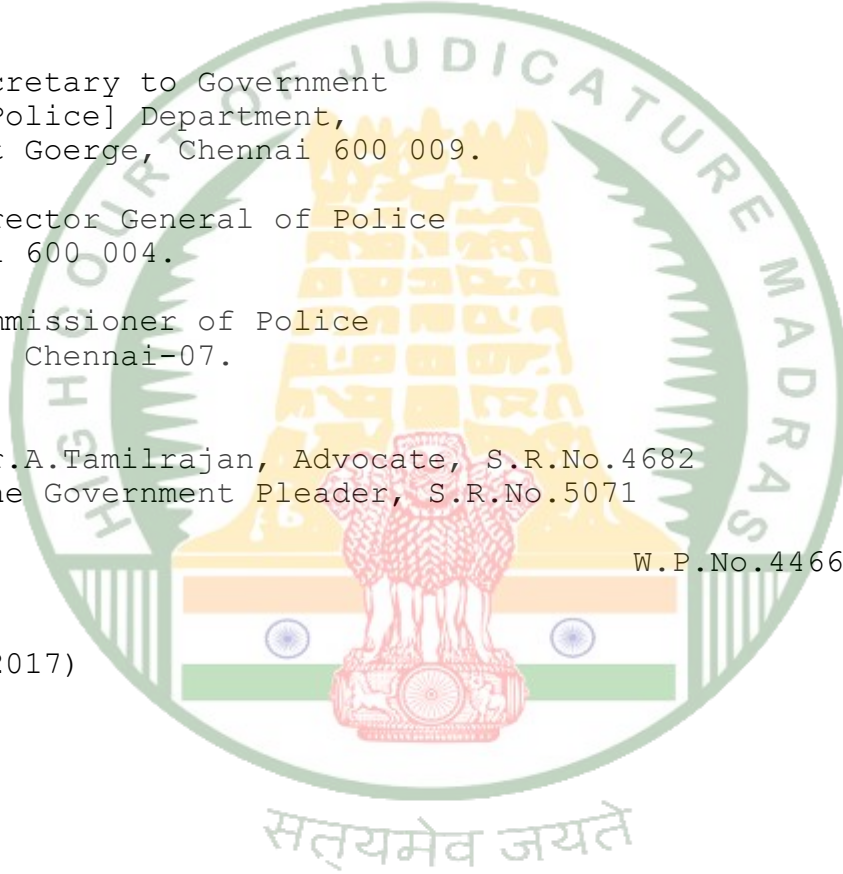
To

1. The Secretary to Government
Home [Police] Department,
Fort St George, Chennai 600 009.
2. The Director General of Police
Chennai 600 004.
3. The Commissioner of Police
Vepery, Chennai-07.

+1cc to Mr.A.Tamilrajan, Advocate, S.R.No.4682
+1cc to the Government Pleader, S.R.No.5071

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KJI (CO)
CA(10/02/2017)



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