

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.08.2017

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.26257 of 2004

S.Stanley

... Petitioner

Vs.

1. The Deputy Inspector General of Police,
Chengalpattu Range,
Chengalpattu.

2. The Chairman,
Chengalpattu Range,
Promotion Board and
Superintendent of Police,
Chengai East District.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to promote the petitioner as Sub-Inspector of Police for the year 2003 in the list published in R.O.No.172/2004/Rc.No.A1/897/7591/2004 dated 05.08.2004 issued by the Deputy Inspector General of Police, Kancheepuram Range and consequently to direct the respondents to promote the petitioner as Sub-Inspector of Police without calling the petitioner for the board.

For Petitioner : Mr.S.Ilamvaludhi

For Respondents: Mr.A.ZakirHussain,
Government Advocate.

O R D E R

The petitioner filed a Writ Petition for direction to the respondent, promote the petitioner as a Sub-Inspector of Police for the year 2003, in the list, published in Ro.No.172/2004/Rc.No.A1/897/ 7591/2004 dated 05.08.2004 issued by the Deputy Inspector General of Police, Kancheepuram Range, and consequently to direct the respondents to promote the

petitioner as Sub-Inspector of Police without calling the petitioner for the board.

2. Heard the learned counsels appearing for the petitioner as well as the learned Government Advocate appearing for the respondents.

3. The facts of the case of the petitioner is as follows:

The petitioner was enlisted as Police Constable in the year 1985. Subsequently, he was promoted as Head Constable and continued as Head Constable till date. According to the seniority he have been promoted as Sub-Inspector of Police in the year 2003, by Range Promotion Board duly conducted on 26.07.2004. Accordingly several persons were called to attend the test after the drawal of "C" list, published in the year 2004. Even after publishing the seniority list, the petitioner have not been called for to attend the test, though, juniors to him were called for the test.

4. The reason for which the petitioner was not called for the test is that the petitioner was placed under suspension on 05.04.2003 and also issued a Charge Memo in P.R.No.60 of 2003 and the said Suspension Order was challenged by way of O.A.No.1891 of 2003. However, the tribunal directed the authority to proceed with the enquiry. Later on, the Suspension was revoked. Whiles, the promotion was denied against the petitioner is not sustainable. Agreeed by the inaction on the part of the respondent for not promoting the petitioner as Sub-Inspector of Police in the year 2003, the present writ petition is filed.

5. Such a prayer is not maintainable by pending charges, the promotion cannot be considered. The promotion can be considered only by the appropriate authorities after satisfying the required eligibility criteria fixed in the relevant rules.

6. However, Mr.S. Ilamvaludhi the learned counsel appearing for the petitioner would submit that the petitioner may be given liberty to make a representation to the authorities concerned.

Recording the same, the writ petition is disposed of.

Sd/-

Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

To

1. The Deputy Inspector General of Police,
Chengalpattu Range,
Chengalpattu.
2. The Chairman,
Chengalpattu Range,
Promotion Board and
Superintendent of Police,
Chengai East District.

+1cc to Government Pleader in sr.no.56706

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PVS (CO)
NR 04/08/2017



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