



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT  
Dated : 22.08.2017

CORAM :  
**THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN**  
**AND**  
**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN**

W.A(MD)No.422 of 2014  
and  
M.P(MD).No.2 of 2014

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

2.The Superintendent of Police,  
Pudukkottai District,  
Pudukkottai.

... Appellants

Vs.

Tr.C.Joseph

... Respondent

**Prayer** : This Writ Appeal is filed under Clause 15 of Letters Patent, to set aside the order dated 22.08.2013 passed in WP(MD). No.6295 of 2011 on the file of this Court.

**Prayer in WP(MD). 6295/ 2011 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a WRIT OF CERTIORARIFIED MANDAMUS, calling for the records from 1st Respondent in C.No.A1/3359/11 dated 31-03-2011 and quash the same with a direction to include the petitioner s name in "C" list of Head Constable fit for promotion as a Sub-Inspector of Police for the year 2008-2009 published by the 1st Respondent in his proceedings in C.No.A1/1302/2009 dated 05-03-2009 with a further direction to disburse all monetary benefits in the time scale of pay attached to the post of Sub Inspector of Police.

|                |                           |
|----------------|---------------------------|
| For Appellants | : T.S.Md.Mohideen, AGP    |
| For Respondent | : P.Ganapathi Subramanian |

### **J U D G M E N T**

(Judgment of the Court was made by **G.R.SWAMINATHAN, J.**)

This writ appeal is directed against the order dated 22.08.2013 made in WP(MD)No.6295 of 2011 filed by the respondent herein.

<https://hcservices.ecourts.gov.in/hcservices/>

2.The respondent herein was promoted as Head Constable on 25.01.1998. He suffered a punishment in the year 2007. He took



voluntary retirement from service on 31.05.2009. Thereafter, he filed WP(MD)No.6295 of 2011 challenging the memorandum dated 31.03.2011 rejecting his request for promotion as Sub-Inspector of Police in the year 2008-09 and 2009-10. The learned Judge by order dated 22.08.2013 allowed the writ petition. Aggrieved by the same, this intra Court appeal has been filed.

3. Heard the learned Additional Government Pleader for the appellants and the learned counsel for the respondent.

4. It is not in dispute that 10.04.2008 was the crucial date. On the said crucial date, the punishment suffered by the writ petitioner in P.R.No.3/2007 dated 25.02.2008 was in currency. In any event, having taken voluntary retirement with effect from 31.05.2009, it was not open to the writ petitioner to raise service grievances like seniority and promotion thereafter. Grievances of this nature ought to be agitated when a person is very much in service. The voluntary retirement of the respondent from service would result in cessation of employer-employee relationship. After retiring from service, the writ petitioner wanted promotion to the post of Sub-Inspector of Police. Such a request was intrinsically not maintainable.

5. The learned Judge was in error in entertaining the writ petition. The writ petition ought to have been dismissed on the ground of maintainability. There was no need to even go into the merits of the rejection order. We therefore set aside the order dated 22.08.2013 made in WP(MD)No.6295 of 2011 and allow this writ appeal.

6. This writ appeal is accordingly allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

/True copy/

Sub Assistant Registrar

+1cc to Mr.P.GANAPATHI SUBRAMANIAN, Advocate, SR.73820

+1cc to M/S.Special Government Pleader, SR. 74295

W.A (MD) No.422 of 2014  
and  
M.P (MD) .No.2 of 2014  
22.08.2017

SKM/ARUL

KK/SV MMS/SAR 1/07.09.2017/ 2P- 3C