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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.08.2017

CORAM :

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. (MD) No. 682 of 2017

V.Rasu

... Appellant/Petitioner

vs.

1. The Government of Tamil Nadu,
Rep.by its Secretary to Govt,
Home Department,
Fort.St.George,
Chennai - 600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 600 004.
3. The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City, Madurai.

... Respondents/Respondents

Prayer : Writ Appeal is filed under Clause 15 of Letters Patent to set aside the order dated 22.04.2013 passed in WP(MD)No.1475 of 2013 on the file of this Court.

Prayer in WP(MD). 1475/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in Na.Ka.NO. B3/51241/295/12, dated 22.10.2012 and quash the same and consequently direct the respondents No.2 & 3 to fix the seniority and give the notional promotion with monetary benefits to the petitioner.

For Appellant : Mr.A.Rajaram

For Respondents : Mr.T.S.Md.Mohideen, AGP

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

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

The unsuccessful writ petitioner is on appeal, challenging the order dated 22.04.2013 made in W.P.(MD) No.1475 of 2013.

2. According to the appellant, he joined the Police Department as early as 1962 as Grade-II Police Constable. He was promoted to the post of Grade I Police Constable only after 33 years i.e. in the year 1995. He retired in the year 1998. He represented to the authorities seeking grant of notional promotion with monetary benefits. His request was rejected by order dated 22.10.2012. Questioning the same, he filed W.P.(MD) No.1475 of 2013. The learned Judge took the view that the writ petitioner cannot be given retrospective promotion from the date of entry into service in the year 1962. Therefore, the writ petition came to be dismissed. Aggrieved by the same, this intra Court appeal has been filed.

3. It is not in dispute that the petitioner retired from service in the year 1998. It is true that the writ petitioner was working as Grade II Police Constable for almost 33 years. Though one ought to feel sympathetic for the petitioner, it is not possible to grant any relief at this point of time. The question of revising one seniority and grant of retrospective promotion that too on notional basis will not arise after the retirement of the employee concerned. As already pointed out, the writ petition came to be filed 14 years after the appellant already retired. The appellant is trying to agitate stale claims.

4. There is no merit in this writ appeal. It stands dismissed. No costs.

Sd/-

Assistant Registrar (CS-II)

/True Copy/

Sub Assistant Registrar

To

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

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



3. The Commissioner of Police,
O/o. The Commissioner of Police,
Madurai City, Madurai.

+1cc to Spl.Government Pleader Sr.No.70593

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VB/JC/SAR4/24.08.2017/3P/5C

W.A. (MD) No.682 of 2017
02.08.2017