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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.07.2017

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN

AND

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A. [MD] .No.791 of 2017

and

C.M.P. [MD]No.5613 of 2017

1. The Secretary to Government of Tamilnadu,
St. George Fort,
Chennai - 600 009.

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

3. The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

... Appellants/ Respondents

Vs.

S.Srinivasan

... Respondent/Petitioner

PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 22.04.2013 made in W.P. (MD) No.4205 of 2013 on the file of this Court.

Prayer in WP(MD). 4205/ 2013 :

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 the 3rd respondent in his proceedings in Na.Ka.No. A2/34445/2011, dated 22.10.2011 and quash the same and subsequently directing the 3rd respondent to promote the petitioner retrospectively as a Special Sub-Inspector from 1991 with all the notional monetary benefits by considering his representation Dated 06.07.2011.

For Appellants

: Mr.Mr.T.S.Md.Mohideen
Additional Government Pleader

For Respondent

: Mr.M.Solaisamy

**JUDGMENT**

[Judgment of the Court was delivered by **G.R.SWAMINATHAN, J.**]

The Government is on appeal, questioning the order dated 22 April 2013 made in W.P.(MD) No.4205 of 2013.

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2. According to the writ petitioner, he was appointed as Grade II Police Constable on 06 July 1966. He was promoted as Grade I Police Constable in 1994 after he put in 28 years of service. He became Head Constable in 1996. He went on voluntary retirement on 30 June 2001 on medical grounds. Since he had put in 35 years of service, he represented that he should have been made as Special Sub Inspector. His request was rejected by order dated 22 October 2011. That order was impugned in the writ petition. The learned single Judge by order dated 22 April 2013 allowed the same by directing the authorities to treat the petitioner as Special Sub Inspector of Police. Aggrieved by the same, the present writ appeal has been filed.

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

4. The Additional Special Government Pleader pointed out that the writ petitioner had served as Head Constable only for 4 years 6 months and 17 days. He went on voluntary retirement on 30 June 2001. He applied for upgradation as Special Sub Inspector only in the year 2011, by which time, 10 years lapsed. Since the writ petitioner had gone on voluntary retirement, the question of conferring the benefit of upgradation as Special Sub Inspector that too when the request was made after 10 years is patently without merit. We accept the submission of the learned Additional Government Pleader and set aside the order allowing the writ petition.

5. This writ appeal stands allowed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(P&A)

/True Copy/

Sub Assistant Registrar

+1cc to The Spl. Government pleader Sr.No.66415

ARUL/SKM

VB/GT/SAR3/28.07.2017/2P/2C