



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 17.08.2017

CORAM:

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

W.A.[MD].No.1270 of 2016

and

C.M.P(MD)No.8665 of 2016

1.State Represented through
its Home Secretary,
Government of Tamil Nadu,
Fort St.George,
Chennai - 600 009.

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

3.The Deputy Inspector General of Police,
Tirunelveli.

4.The Superintendent of Police,
Thoothukudi.

... Appellants

Vs.

S.Seenivasan

... Respondent

PRAYER: Writ Appeal is filed under Clause 15 of the Letters Patent, to set aside the order dated 29.04.2013 made in W.P.(MD) No.3484 of 2013 on the file of this Court.

Prayer in WP(MD). 3484/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying for a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order No.A2/23253/2011-7 dated 17.08.2011, passed by the R4 and quash the same as illegal and consequently direct R4 to consider the petitioner's claim to promote him as Grade - I Constable from 95.10./1991, Head Constable from 05.10.1996 and SSI from 05.10.2006.

For Appellants : Mr.T.S.Mohamed Mohideen
Additional Government Pleader

<https://hcservices.ecourts.gov.in/hcservices/>
For Respondent : Mr.S.Muthalraj

**JUDGMENT**

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

This writ appeal has been filed against the order dated 29.04.2013 allowing W.P.(MD) No.3484 of 2013 filed by the respondent herein.

2.According to the respondent, he joined the Police Department as Gr.II Police Constable on 05.10.1981. He became Gr.I Police Constable on 31.08.1995. He was promoted as Head Constable on 25.07.2000. He became a Special Sub-Inspector of Police on 01.08.2010. Contending that he ought to have been given appropriate promotion from the respective posts by the appropriate time, the writ petitioner demanded promotion as Special Sub-Inspector of Police with effect from 05.10.2006 itself. Because by the said date, he had completed 25 years of service. But his request was rejected by order dated 17.08.2011 by the Superintendent of Police, Tuticorin. The same was challenged W.P. (MD) No.3484 of 2013. The learned Single Judge 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 learned counsel appearing for the respondent.

4.We are of the view that the question of granting notional promotion on retrospective basis cannot arise. The writ petitioner admittedly did not raise any dispute during the relevant point of time. He became a Gr.II Police Constable on 05.10.1981. He became a Gr.I Police Constable on 31.08.1995. If the writ petitioner was aggrieved by non grant of promotion when he was holding the post of Gr.II Police Constable, Gr.I Police Constable and Head Constable, he should have raised the issue then and there. On the very face of it, the claim is belated and the writ petition is hit by laches. If such stale claims are entertained, confusion will be caused in the administration. The learned Judge erred in allowing the writ petition. The same is set aside.

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

Sd/-

Assistant Registrar

/True Copy/

Sub Assistant Registrar



To

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

2.The Deputy Inspector General of Police,
Tirunelveli.

3.The Superintendent of Police,
Thoothukudi.

+1cc to M/S.S.MUTHAL RAJ, Advocate SR.No.73021
+1cc to Special Government Pleader, SR.No. 73066

mm/arul
MAS/JC/SAR1:23.10.2017:3P-6C

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and
C.M.P (MD) No.8665 of 2016
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