



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.08.2017

CORAM:

**THE HONOURABLE MR.JUSTICE T.RAJA**

W.P.(MD) No.15365 of 2017

and

W.M.P.(MD) No.12166 of 2017

M.Karthikeyan

.. Petitioner

Versus

1.The State of Tamil Nadu,  
Rep. by the Principal Secretary to Government,  
Home Department,  
Secretariat,  
Chennai - 600 009.

2.The Director General of Police,  
Mylapore,  
Chennai - 4,  
Tamil Nadu.

.. Respondents

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to draw the year wise panel for the estimate and anticipated vacancies from the year 2013-2014, 2014-2015, 2015-2016, 2016-2017, 2017-2018, till date and consequently, promote the petitioner on the basis of the said year wise panel to the post of Superintendent of Police forthwith with all monetary and service benefits with effect from the due date of promotion.

For Petitioner : Mr.R.Singaravelan

Senior Counsel

for Mr.D.Selvanayagam

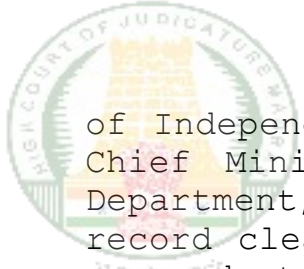
For Respondents : Mr.D.Muruganantham

Additional Government Pleader

O R D E R

Mr.D.Muruganantham, learned Additional Government Pleader takes notice for the respondents. By consent, the Writ Petition is taken up for final disposal.

2.The petitioner is serving as Additional Superintendent of Police, Prohibition Enforcement Wing, Madurai District. It is his <https://hcservices.mca.gov.in/hcservices/> is a recipient of 40 rewards, recipient of President's Police Medal for meritorious service on the occasion



of Independence Day 2008 and Rs.5,00,000/- awarded by the Hon'ble Chief Minister of Tamil Nadu in G.O.(Ms)No.820, Home (Pol.1-A) Department, dated 08.10.2013. When the petitioner's service record clearly shows that he is a meritorious police officer, the respondents even after finding that there are several vacancies arisen in the post of Superintendent of Police for the past three years, no panel was drawn by them. Now, the Government have issued the Approved Panel for promotion to the post of Superintendent of Police for the year 2016-2017. Since the petitioner's date of retirement on attaining the age of superannuation falls on 31.05.2018, unless the panel for promotion to the post of Superintendent of Police for the year 2017-2018 is drawn as per the provisions contained in the Tamil Nadu Government Servants [Conditions of Service] Act, 2016, his long dream of becoming Superintendent of Police would be vanished.

3.Mr.R.Singaravelan, learned Senior Counsel appearing for the petitioner drawing the notice of this Court to Section 22(2-A) of the Tamil Nadu Services Manual, Volume II, State Services [Tamil Nadu Police Service], has submitted that for the purpose of drawing up of the annual list of approved candidates for appointment to the posts in the service by promotion or by recruitment by transfer, the crucial date on which the candidates should be qualified shall be the first day of June of every year. While this being the position, even after the first June of 2017, the respondents cannot keep quiet from preparing the panel for appointment/promotion to the post of Superintendent of Police, therefore, a direction may be issued, he pleaded.

4.Mr.D.Muruganantham, learned Additional Government Pleader appearing for the respondents after taking instructions submitted that the petitioner's pending representation, dated 25.07.2017, would be duly considered on merits.

5.Heard both sides.

6.The petitioner is presently serving as Additional Superintendent of Police, Prohibition Enforcement Wing, Madurai District. He is a recipient of 40 rewards, also recipient of President's Police Medal for meritorious service on the occasion of Independence Day 2008 and Rs.5,00,000/- awarded by the Hon'ble Chief Minister of Tamil Nadu in G.O.(Ms)No.820, Home (Pol.1-A) Department, dated 08.10.2013. The service record of the petitioner clearly shows that he is a man of action with all clear records. Hence, the respondents are directed to draw the promotion panel and do the needful within a period of two weeks from the date of receipt of a copy of this order, keeping in mind the fact that the petitioner is reaching the age of superannuation on 31.05.2018 and also as per Section 22(2-A) of the Tamil Nadu Services Manual, Volume II, State Services [Tamil Nadu Police Service], which is extracted as hereunder:



**''22(2-A) Preparation of annual list of approved candidates.-** For the purpose of drawing up of the annual list of approved candidates for appointment to the posts in the service by promotion or by recruitment by transfer, the crucial date on which the candidates should be qualified shall be the first day of June of every year.

Provided that for the purpose of drawing up of annual list of approved candidates for appointment to the post of Superintendent of Police (Technical) and Additional Superintendent of Police (Technical) by promotion and Deputy Superintendent of Police (Technical) by recruitment by transfer, the crucial date on which the candidate should be qualified shall be the first day of September of every year.''

With the above direction, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(ADII)

/True Copy/

Sub-Assitant Registrar

To

1.The Principal Secretary to Government of Tamil Nadu,  
Home Department,  
Secretariat,  
Chennai - 600 009.

2.The Director General of Police,  
Mylapore,  
Chennai - 4.

+One cc to M/s.D.Selvanayagam, Advocate, SR.No.73288

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RL/4C/3P/SV/MMS/SAR1/24/8/2017

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