

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.04.2018

C O R A M

THE HON'BLE Mr.JUSTICE S.M.SUBRAMANIAM

W.P.No.7752 of 2018

A.S.Marimuthu

Special Sub Inspector of Police (Rtd.,) (SSI-1047)

... Petitioner

Versus

1.The State of Tamil Nadu,
Rep. by its Home Secretary,
Fort St. George, Chennai - 600 009.

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

3.The Deputy Inspector General of Police,
Salem Range, Salem.

4.The Superintendent of Police,
Salem District, Salem ... Respondents

Writ Petition filed under Article 226 of the Constitution of India seeking to issue a writ of mandamus to direct the respondents to consider the petitioner's representation dated 15.12.2017 and to correct the date of promotion of the petitioner's up-gradation as Special Sub-Inspector of Police (SSI) from 07.01.2010 to 22.09.2005 on overall completion of 25 years of service as per Judgement and G.O.Ms.No.15 Home (Police - V) Department dated 07.01.2010 and revise the pension and other monetary benefits accordingly and pay the arrears with interest accrued thereon.

For Petitioner ... Mr.S.Pushpakaran

For Respondents ... Mr.V.Kadhirvelu,
Special Government Pleader

ORDER

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representation dated 15.12.2017 and to correct the date of promotion of the petitioner's up-gradation as Special Sub-Inspector of Police

from 07.01.2010 to 22.09.2005 on overall completion of 25 years of service as per G.O.Ms.No.15 Home (Police-V) Department dated 07.01.2010.

2. The writ petitioner was recruited as Grade-II Police Constable in the Tamil Nadu Police Subordinate Service on 22.09.1980 and subsequently, promoted to the post of Grade-I Police Constable on 24.11.1994. The writ petitioner claims that he is fully qualified to hold the post of Special Sub-Inspector of Police on completion of 25 years of service. On this ground, the petitioner now claims that his date of promotion to the post of Special Sub-Inspector of Police should have been corrected, as if he was promoted with effect from 07.01.2010 to 22.09.2005.

3. The fact remains that the writ petitioner attained the age of superannuation and retired from service on 30.03.2013. The petitioner has not raised his ground during the appropriate time, when he was due for promotion. Now, after the lapse of more than 13 years, the writ petitioner claims that he was entitled to be promoted as Special Sub-Inspector of Police, during the year 2005 i.e., on completion of 25 years of service from the date of his appointment.

4. This Court is of an opinion that the writ petitioner has slept over his right and now, after lapse of 13 years, he cannot wake up and knock the doors of the Court, seeking redressal of his remedy, in relation to the promotion to the post of Special Sub-Inspector of Police, with effect from the year 2005. The cause of action for the writ petitioner arose long back, when he was eligible and due for promotion. Therefore, now after the lapse of many years, the present writ petition cannot be entertained. The writ petitioner is now aged about 63 years old and he cannot seek promotion at this point of time, more specifically after the lapse of about 5 years from the date of his retirement.

5. Under these circumstances, the writ petition is liable to be rejected solely on the ground of laches, accordingly the same can be dismissed, on the ground of laches.

6. Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

s/d-
Assistant Registrar(CS-III)

True Copy

Sub-Assistant Registrar

To

1.The Home Secretary,
Fort St. George, Chennai - 600 009.

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

3.The Deputy Inspector General of Police,
Salem Range, Salem.

4.The Superintendent of Police,
Salem District, Salem

+1 CC to Mr.S.Pushpakaran Advocate sr 25567.



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RV(CO)
SP(10/05/2018)

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