

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.04.2018

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.7761 of 2018

P.Nanthagopal ... Petitioner

-vs-

- 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

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Mandamus, directing the respondents, to consider the petitioner's representation dated 20.11.2017 and to correct the date of promotion of the petitioner's up gradation as Special Sub-Inspector of Police (SSI) from 01.09.1983 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

O R D E R

The relief sought for in this writ petition is to direct the respondents to consider the petitioner's representation dated 20.11.2017 and to correct the date of promotion of the petitioner's up gradation as Special Sub-Inspector of Police (SSI) from 01.09.1983 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.

2.The writ petitioner was appointed as Grade-II Police Constable in the year 1958 and he was promoted to the post of Grade-I police Constable after completion of 35 years of service. Thereafter, the petitioner was promoted to the post of Head Constable on 01.03.1997 and he was not awarded with the up-gradation to the post of Special Sub-Inspector of Police on completion of his 25 years of service. However, the petitioner was allowed to retire from service on 31.12.1997 in the post of Head Constable.

3.The grievances of the writ petitioner is that he is entitled to be promoted as Special Sub-Inspector of Police on completion of 25 years of service. However, the same has not been granted to him.

4.This Court is of an opinion that the writ petitioner has slept over his right and now, after a lapse of 21 years from the date of his retirement, he cannot wake up and knock the doors of the Court, seeking redressal of his remedy, in relation of his promotion to the post of Special Sub-Inspector of Police with retrospective effect from the date on which he completed 25 years of service. The cause of action for the writ petitioner in relation to his claim aroused long back, when he was eligible and was due for promotion to the post of Special Sub-Inspector of Police. Thus, now after a lapse of many years, the present writ petition cannot be entertained. The writ petitioner is now aged about 78 years old and he cannot seek promotion at this point of time with retrospective effect. Further, the writ petitioner was allowed to retire from service on 31.12.1997 and the present writ petition is filed on 07.03.2018, after a lapse of about 21 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 also.

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

Sd/-

Assistant Registrar(CS VIII)

//True copy//

Sub Assistant Registrar

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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.

+1cc to Mr.S.Pushpakaran, Advocate SR.No.25558

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AK(CO)
GN(07/05/2018)



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