

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.03.2018

CORAM:

THE HON'BLE MR. JUSTICE T.RAJA

W.P.No.6852 of 2018

K.S.Rajaram

.. Petitioner

Vs

1.The Secretary,
Home Department,
Fort St. George, Chennai - 9.

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

3.The Superintendent of Police,
Police Head Quarters,
Villupuram District, Villupuram.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus to direct the respondents to dispose of the representation dated 12.01.2018 in the light of the departmental order dated 07.06.2017 in C.No.PII(1)/28689/2017, within a time frame.

For petitioner : Mr.K.S.Ilangovan

For Respondents : Mr.V.Jayaprakash Narayanan, Spl.GP

O R D E R

The petitioner joined the service as Grade-II Police Constable on 22.11.1977 and thereafter, he was promoted as Grade-I Police Constable on 1994. Again, on 08.10.1999, he was promoted as Head Constable and on 01.02.2010, he was promoted as Special Sub Inspector and finally, after rendering 33 years of service, he retired on 30.09.2010 as SSI. Now, the petitioner has made a representation dated 12.01.2018 to the respondents requesting them to give notional promotion with effect from 1987. Since this representation has not been considered, he has filed the present writ petition.

2. Heard both sides.

3. At the outset, it is to be seen that although the petitioner had retired from the services of the respondent department way back on 30.09.2010 as Special Sub-Inspector of Police, it is not known why he has kept quite for about 8 years after his retirement to seek for notional promotion with effect from 1987. Therefore, the writ petition is liable to be dismissed on the ground of laches.

4. Besides, the issue of seeking upgradation after rendering 10 years of service from the date of initial appointment has already been settled by this Court in W.P.No.19181 of 2013, dated 15.7.2013 (S.Senthamarai and others v. The State of Tamil Nadu represented by its Secretary to Government, Home Department and two others), wherein it has been held as follows:-

"18. No Government Order states that all the police personnel shall be granted upgradation as Sub Inspector of Police on completion of 25 years of service, blindly, without anything more, even if he does not render 10 years of service as Head Constable out of 25 years of service. The Government Orders nowhere provide for such upgradation as claimed by the petitioners.

19. Hence, there is no reason for the petitioners to claim the benefit of upgradation of Special Sub Inspector of Police, by counting 25 years of service from the date of their appointment without reference to the services rendered as Head Constable for 10 years of service. On completion of 10 years of service as Head Constable, one can seek for upgradation as Special Sub Inspector of Police, if he has rendered a total service of 25 years of service.

20. In this case the petitioners were rightly granted upgradation for the post of Special Sub Inspector of Police on completion of 10 years of service as Head Constable, as they have put in 25 years of total service. Now the petitioners want upgradation as Special Sub Inspector of Police even before they were upgraded as Head Constables and that is not permissible.

21. I do not find any merit in the Writ Petition. The Writ Petition fails and the same is dismissed. No costs. The connected Miscellaneous Petition is closed."

5. Following the above order, I have also considered a similar challenge made to the very same impugned order in W.P.Nos.1571 to 1573 of 2018 and rejected the case of the petitioners therein by order dated 25.1.2018. Therefore, on the ground of latches and also in view of the above said order of this Court, I do not find any merit in the writ petition filed by the petitioner and accordingly, it is dismissed as devoid of any merit. No Costs.

Sd/-
ASST. REGISTRAR

/TRUE COPY/

SUB ASST. REGISTRAR

rkm

To

- 1.The Secretary,
Home Department,
Fort St. George, Chennai - 9.
- 2.The Director General of Police,
Kamaraj Salai, Mylapore,
Chennai - 4.
- 3.The Superintendent of Police,
Police Head Quarters,
Villupuram District, Villupuram.

+1 cc to the Government Pleader, High Court, Chennai SR.NO. 23942

RJ(CO)
JK 13/04/18

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