

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :25.04.2018

CORAM:

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P.No.31771 of 2017

S.Chandrasekar .. Petitioner

vs.

1. The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.

2. The Superintendent of Police,
Thiruvallur District

.. Respondents

Prayer:- Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of writ of Mandamus directing the 2nd respondent to promote the petitioner to the rank of Special Sub-Inspector of Police on and from 11.01.2013 on account of his completion of 32 years of total service as per the past practice without any reference to the pendency of Criminal Case in CC No.12 of 2010 on the file of Chief Judicial Magistrate, Chengalpattu besides granting proper seniority and attendant benefits within a time frame.

For Petitioner: M/s.K.Ravi Anantha Padmanaban

For Respondents : Mrs.R.Janaki
Additional Government Pleader

ORDER

This writ petition has been filed by the petitioner seeking for a direction to direct the 2nd respondent to promote the petitioner to the rank of Special Sub-Inspector of Police on and from 11.01.2013 on account of his completion of 32 years of total service as per the past practice without any reference to the pendency of Criminal Case in CC No.12 of 2010 on the file of Chief Judicial Magistrate, Chengalpattu besides granting proper seniority and attendant benefits within a time frame.

2. The grievance expressed by the petitioner is that though the petitioner had put in 32 years of service, but for the pendency of the criminal prosecution against him, he has not been considered for promotion. However, the Authority i.e the 2nd respondent being going to fill up the post of Special Sub-Inspector of Police now and as such, the 2nd respondent be directed to consider the case of the petitioner for temporary promotion, in view of the law laid down in this regard in the case of **The State of Tamil Nadu and others Vs. A.Subbiah Pandian and others in WA No.500 of 2008 dated 15.06.2008.**

3. The learned counsel appearing for the respondents would submit that though he has made the aforesaid prayer but he would file a representation in this regard and if such, representation is made, the authority/2nd respondent may be directed to take a decision in accordance with law. But this Court, in WP No.5204 of 2014 filed by the petitioner, had directed to consider such case after disposal of the criminal case. The petitioner has not challenged the said order and as such, that order has reached its finality. Hence, this Court is bereft of Jurisdiction to pass an order invalidating the same. However, this Court dispose of this writ petition giving liberty to the petitioner to file a representation in this regard, within a period of 10 days from the date of receipt / production of this order, which may be considered after taking note of the order passed in WP No.5304 of 2014.

4. With the aforesaid direction, the writ petition stands disposed of. No costs.

25.04.2018

Index: Yes/No
Internet: Yes/No
Speaking order/Non-speaking order



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SATRUGHANA PUJAHARI. J.,
rka

To

1. The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.
2. The Superintendent of Police,
Thiruvallur District



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