

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 3.8.2018

CORAM

THE HONOURABLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.A.No.525 of 2018

R.Ravindran

Appellant/Petitioner

Versus

1 The Secretary
Government of Tamil Nadu
Home (Police II) Department
St. George Fort Chennai - 600 009.

2 The Director General of Police
Dr.Radhakrishnan Salai
Mylapore Chennai - 600 004. Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent against the order dated 21.12.2017 passed in W.P.No.33492 of 2017 on the file of this court.

Prayer in WP: Petition under Article 226 of the Constitution of India , Praying to the issuance of a writ of certiorarified mandamus , Calling for the entire records from the second Respondent for the order passed in Rc.No.227831/GB III (1) / 2014 dated 21/11/2014 by the 2nd Respondent to consider the claim of the petitioners taking into consideration of the educational qualification and treat him as a cadre of Deputy Superintendent of Police (Armed Reserve) as a consequential service and monetary benefits

For appellant : Mr.A.Rajakumar

For respondent : Mr.P.S.Sivashanmugasundaram
Special Government Pleader
For RR 1&2

JUDGMENT

(Judgment of the court was made by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for the parties.

2. The writ appeal has been filed by the writ petitioner,

challenging the order passed by the learned Single Judge in dismissing the writ petition which sought for promotion on retrospective effect with monetary benefits.

3. It appears that the appellant/writ petitioner, who was appointed as Grade II Police Constable on 7.6.1979 and subsequently promoted as Inspector of Police in the year 2005, however, when a panel for promotion to the post of Deputy Superintendent of Police was prepared, his name was ignored on the ground that he had no requisite qualification of passing of SSLC. However, citing that he had passed the pre-foundation course offered by Madurai Kamaraj University under Open University System, he submitted a representation seeking inclusion of his name for such promotion, but, the same came to be rejected on 21.11.2014. Challenging the same, he had come up with the writ petition.

4. The learned Single Judge is shown to have rejected the claim of the appellant/writ petitioner on the ground that the appellant had approached the court very belatedly and that too after his retirement.

5. Having heard the learned counsel appearing for the parties and perused the materials available on record, we too find that though the representation of the appellant was rejected as early in the year 2014, he had not taken any steps to seek the legal remedy within a reasonable time and in fact, he had approached the court only after his superannuation and the delay on his part in moving the court has not been properly explained. Moreover, when he has not served in the higher rank which he seeks now, he cannot maintain his claim for monetary benefits.

6. In such view of the matter, we do not find any error apparent in the order passed by the learned Single Judge warranting interference of this court. Therefore, the writ appeal is dismissed. No costs.

Sd/-

Assistant Registrar (CS-V)

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Sub Assistant Registrar

ssk.
To:

- 1 The Secretary
Government of Tamil Nadu
Home (Police II) Department
St. George Fort Chennai - 600 009.

2 The Director General of Police
Dr.Radhakrishnan Salai
Mylapore Chennai - 600 004.

+1cc to Mr.A.Rajakumar, Advocate SR.No.53799
+1cc to Government Pleader SR.No.54099

W.A.No.525 of 2018

RR (CO)
RMP (26/09/2018)



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