

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.08.2018

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THE HONOURABLE MR.JUSTICE SATRUGHANA PUJAHARI

W.P.No.22125 of 2018

S.Ramesh Babu

... Petitioner

..vs..

1.The Director General of Police,
Tamilnadu Police Department,
Mylapore,
Chennai-600 004.

2.The Commissioner of Police,
Greater Chennai Police,
O/o. The Commissioner of Police,
Veppery,
Chennai-600 008.

3.The Joint Commissioner of Police,
West Zone,
Ambattur Estate,
Chennai-600 058.

...Respondents

Prayer:- Writ Petition filed under Article 226 of the Constitution of India praying for a writ of Mandamus to direct the respondents to pass orders on the petitioner's representation dated 24.07.2018 seeking promotion to the post of Police Constable Grade-I with effect from 09.03.2003 and as Head Constable with effect from 09.06.2008 and to provide all consequential reliefs including promotion to the post of Sub-Inspector of Police.

For Petitioner : M/s.D.Geetha for Mr.R.Diwakaran

For Respondents : Mrs.R.Janaki, AGP

ORDER

The grievance of the petitioner in this case is the non disposal of his representations by the respondents, to grant up-gradation of his service from the appropriate date and consequential promotion. According to the petitioner, he is entitled to up-gradation from Police Constable Grade II to Grade I, on completion of 10 years of service as Grade II Constable

and from Grade I Constable to Head Constable on completion of 5 years of service as Grade I Constable. However, the petitioner could not be upgraded in the aforesaid manner as a charge was pending against him, when he was due for up-gradation from Grade II Constable to Police Constable Grade I. His such charge ended in a black mark. The black mark being not a disqualification according to the petitioner, his up-gradation should have been made on the date he completed 10 years of service as Police Constable Grade II to Police Constable Grade I and 5 years thereafter, he should have been upgraded to Head Constable. The respondents though have upgraded him in the meanwhile, but from a posterior date. The petitioner as such, has made representations indicating that the aforesaid order needs to be modified by upgrading the petitioner in the manner provided for up-gradation to Police Constables without any stigma. Such representation was first made in 18.08.2017, followed by representations dated 19.12.2017 and 24.07.2018. The same having evoked no response, he came to file this writ petition seeking a direction to the respondents to consider his representations for up-gradation from a anterior date i.e, 09.03.2003 as Police Constable Grade I and 09.06.2008 as Head Constable and thereafter, consider for his promotion for Sub-Inspector of Police.

2. Heard the submissions of learned counsel appearing for the petitioner and also the learned Additional Government Pleader appearing for the respondents.

3. The learned counsel appearing for the petitioner would submit that such inaction in non disposal of his representations is impermissible and as such, the respondent be directed to take a decision on the representations, within a stipulated period.

4. The learned counsel appearing for the respondents has no objection for the same.

5. Considering such submissions of learned counsel appearing for the parties and also going through the materials placed, this Court directs the respondents to take informed and considered decision on the representations of the petitioner dated 18.08.2017, 19.12.2017 and 24.07.2018, ventilating his grievance, in accordance with law, if there is no legal impediment, within a period of six weeks from the date of receipt of a copy of this order, if the same are pending till date and communicate such decision to the petitioner. However, it is made clear that this Court has expressed no opinion on merit of such representations in any manner.

6. The writ petition stands disposed of, with the above direction. No costs.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

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To

- 1.The Director General of Police,
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+1cc to Mr.R.Diwakaran, Advocate, S.R.No.60273.

सत्यमेव जयते

WP.No.22125 of 2018

rrs 24/09/2018

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