

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED :06.09.2018

CORAM

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.23012 of 2018 and WMP.No.26908 and 26909 of 2018

Raja Rajan

..... Petitioner

Vs

1. The Additional Chief Secretary to Government,
Home (Police 1A) Department,
Fort St. George, Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004

..... Respondents

PRAYER Writ petition filed under Article 226 of the Constitution of India praying for a Writ of Certiorarified Mandamus to call for the records of the 1st respondent in connection with the impugned order passed in G.O.Ms.No.1007, Home (Pol.1A) Department dated 20.08.2018 and quash the same and direct the respondents to consider the claim of the petitioner for promotion to the post of Superintendent of Police (CAT-I) Non-cadre for the year 2018-2019 and promote him as such and grant him all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkatramani, Senior Counsel
for Mr.M.Muthappan

For Respondents : Mrs.R.Janaki
Additional Government Pleader

O R D E R

The case of the petitioner is that he was appointed as Superintendent of Police in the year 1987 and further promoted as Inspector of Police. While that being so, the petitioner joined in the Special Task force and performed an exceptional work and showed an excellent combat skill in the operation against Forest Bandit Veerappan gang Members and for his courages service rendered, he was bestowed with Gallantry

Award by the his excellency the President of India, so also, he was given accelerated promotion from the post of Inspector of Police to Deputy Superintendent of Police vide G.O.Ms.No.1252 Home (Pol.A2) Department dated 28.10.2014. However, after his accelerated promotion as Deputy Superintendent of Police, his case has not been considered for preparing Seniority panel list in which the petitioner name was included at the bottom of the panel to the Deputy Superintendent of Police. According to him, he is entitled to accelerated seniority in the rank of Deputy Superintendent of Police and in this regard, the petitioner has made representation dated 30.08.2018. In the meanwhile, the petitioner has already been promoted to the post of Additional Superintendent of Police but now while preparing the Panel list the petitioner's aforesaid grievance has not been addressed to and the Panel list for Superintendent of Police has already been prepared and in the said panel list also, the persons who are rank junior to him in the normal course in Deputy Superintendent of Police as well as Assistant Superintendent of Police have been empaneled ignoring the case of the petitioner.

2. The learned counsel appearing for petitioner would submit that when such panel list was prepared, the respondents had invited objections from the persons whose name was not included in the panel or regarding seniority within a period of two months from the date of order, the petitioner in this regard has raised his objection within a period of two month indicating the aforesaid wrong seniority given to the persons figuring in Sl.No.8 to 10 in the list, inasmuch as they were promoted later to him as Deputy Superintendent of Police as well as Additional Superintendent of Police. But now the petitioner apprehends that without considering his representation, the authority is likely to take a decision and hence, came forward to file this writ petition. However, during the hearing the learned counsel appearing for the petitioner submits that it would be suffice if a direction is given to the respondents to consider his representation and the authority be directed not to operate the panel list without taking the decision before communicating the order to him so that he can ventilate his grievance before the appropriate forum.

3. The learned counsel appearing for respondents submit that if such a representation is pending, the authority will take a call on the same in appropriate time and also communicate the decision thereof.

4. Considering the facts and submissions made, especially considering the nature of relief sought for, this Court directs the respondents 1 and 2 shall take an informed and considered decision on the representation of the petitioner

addressing his grievance by a speaking order and inform the decision thereof to the petitioner and before such decision is taken no promotion from the panel be given, inasmuch as, according to the authority they have on their own invited objection on the said panel also giving two months time.

5. With the aforesaid direction this writ petition stands disposed of. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

Rka

To

1. The Additional Chief Secretary to Government,
Home (Police 1A) Department,
Fort St. George, Chennai - 9.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.

+1cc to M/S.M.Muthappan, Advocate Sr.62070

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W.P. No.23012 of 2018

srg 27/09/2018

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