

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.12.2018

CORAM

THE HON'BLE MR. JUSTICE M.M.SUNDRESH
and
THE HON'BLE MR. JUSTICE KRISHNAN RAMASAMY

W.A.No.1292 of 2014

S.Sekar ... Appellant /Petitioner
Vs.

- 1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai-9.
- 2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai-4. ... Respondents/Defendants

PRAYER: Writ Appeal is preferred under Clause 15 of the Letters Patent against the order dated 14.08.2013 passed in W.P.No.18380 of 2013.

Prayer in Wp.No. 18380 of 2013: Writ Petition filed under Article 226 of the Constitution of India, for the issuance of Writ of Mandamus, Directing the respondents to consider the claim of the petitioner for promotion to the post of Sub Inspector of Police by including his name in panel of Head Constables fit for promotion as Sub Inspector of Police for the year 1991 on par with the similarly situated persons with all consequential service and monetary benefits as per with his Juniors.

For Appellant : Mr.K.Venkataramani, S.C., for
Mr.M.Muthappan

For respondents : Mrs.A.Srijayanthi,
Special Government Pleader

JUDGMENT

(Judgment of the Court was made by M.M.SUNDRESH,J.)

This appeal is directed against the order of the learned single Judge, who was pleased to dismiss the writ petition with

respect to the prayer sought for to consider the claim of the appellant for promotion to the post of Sub Inspector of Police on par with the similarly placed person.

2. The learned single Judge dismissed the writ petition on the ground that the issue was pertaining to the year 1991 and the writ petition was filed in the year 2013. The appellant was not even promoted as temporary Sub-Inspector of Police during 1998 and 2003 and therefore, he cannot be construed to be similarly placed. He has participated in the regular selection and thereafter, he became reserved Sub-Inspector of Police during 2003.

3. In view of the above, we do not find any merit in this appeal. There is absolutely no explanation for delay, laches and acquiescence. When once the appellant participated in the regular selection and became reserve Sub Inspector of Police in the year 2003, he cannot compare himself with others citing the Government orders. Such a

claim cannot be made after a decade. Thus, we do not find any merit in this writ appeal and the same is dismissed. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True Copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai-9.

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

+1cc to Mr.M.Muthuppan, Advocate, S.R.No.87285
+1cc to the Government Pleader, S.R.No. 87437

W.A.No.1292 of 2014

SSV(CO)
GN(11/02/2019)