

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2018

CORAM

THE HONOURABLE Mr.JUSTICE V.PARTHIBAN

W.P.No.14853 of 2012 and
M.P.No.1 of 2012

A.Natesan

... Petitioner

Vs

1.The Deputy Inspector General of Police,
Salem Range, Salem,
Salem District.

2.The Superintendent of Police,
Salem Rural, Salem,
Salem District.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.A-1/32114/2011, dated 07.02.2012 and quash the same and consequently direct the respondents to give retrospective effect the promotions to the post of Grade I and Special Sub Inspector of Police by taking note of length of petitioner service by way of giving monetary benefits to the petitioner.

For Petitioner : Mr.C.Prakasam

For Respondents : Mr.D.Venkatachalam

Additional Government Pleader

O R D E R

Heard Mr.C.Prakasam, learned counsel for the petitioner and Mr.D.Venkatachalam, learned Additional Government Pleader appearing for the respondents.

2. The petitioner has approached this Court, seeking the following relief,

"To issue a writ of Certiorarified Mandamus, to call for the entire records relating to the impugned order passed by the 2nd respondent in his proceedings Na.Ka.No.A-1/32114/2011, dated 07.02.2012 and quash the same and consequently direct the respondents to give retrospective effect the promotions to the post of Grade I and Special Sub Inspector of Police by taking note of length of petitioner's service by way of giving monetary benefits to the petitioner. "

3. The case of the petitioner is as follows:-

The petitioner was admittedly attained the age of superannuation and retired from service on 30.04.2001. The present writ petition came to be filed only in the year 2012. There is absolutely no explanation in the affidavit filed in support of the writ petition as to why the petitioner had waited for nearly 11 years after retirement to prosecute his claim before this Court, except saying that he became aware of the certain Government Order in the year 2011, nothing else is stated condoning the laches in approaching the Court.

4. Even otherwise, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner is not entitled to promotion as Sub Inspector of Police, since he has not fulfilled the condition of 25 years of service totally as Police Constable and Head Constable.

5. That being the case, both on merits as well as on the ground of laches, the writ petition cannot be maintained. Therefore, the same is dismissed as not maintainable. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar(CS-V)

//True Copy//

Sub Assistant Registrar

gsk

To

1.The Deputy Inspector General of Police,
Salem Range, Salem,
Salem District.

2.The Superintendent of Police,
Salem Rural, Salem, Salem District.

+ 1 cc to Mr. C. Prakasam, Advocate SR.5770

W.P.No.14853 of 2012

SR(CO)
EU(17/02/2018)