

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.04.2018

CORAM:

THE HON'BLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HON'BLE MR.JUSTICE R.SUBRAMANIAN

W.A.No.1622 of 2016

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

2.The Addl. Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

3.The Joint Commissioner of Police,
North Zone, Pantheon Road,
Egmore, Chennai - 600 008.

...Appellants/Respondents/Respondents

Vs

K.S.Ramakrishnan

...Respondent/Petitioner/Petitioner

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, to set aside the order passed by this Court in WMP No.4356 of 2016 in W.P.No.4993 of 2016 dated 09.02.2016.

Prayer in WMP.No.4356/2016:

Petition praying that in the Circumstances stated therein and the affidavit filed therewith the High Court will be pleased to issue interim direction directing the respondents herein to permit the petitioner to undergo training along with persons whose names find place in Annexure I of proceedings dt 12.1.2016 issued by the 2nd respondent pending disposal of the writ petition No.4993 of 2016.

Prayer in W.P.NO.4993/2016:

Writ Petition filed under Article 226 of the Constitution of India, praying this court for the issuance of Writ of Mandamus directing the respondents herein to include the name of the petitioner in the C List - Annexure I enclosed along with proceedings in Rc. No. 367/106958-2/Estt.III (1)/2015 dt

12.1.2016 issued by the 2nd respondent for undergoing training for the post of Board Sub Inspector of Police.

For Appellants : Mr.N.Manikandan
Govt.Advocate

For Respondent : Mr.K.M.Ramesh

J U D G M E N T

(Judgment of the Court was delivered by

K.K.SASIDHARAN, J.)

The respondent filed a writ petition in W.P.No.4993 of 2016 for issuance of a Writ of Mandamus, directing the appellants to include his name in the "C" List, dated 12 January 2016 and depute him for undergoing the training for functioning as Sub-Inspector of Police. The respondent along with the writ petition filed an interlocutory application in WMP No.4356 of 2016 for issuance of interim direction to the appellants to permit him to undergo the training pending disposal of the writ petition.

2. The learned single Judge by order dated 9 February 2016 allowed the interim application and directed the appellants to send the respondent for training commenced on 8 February 2016. The said order is under challenge at the instance of the appellants.

3. We have heard the learned Government Advocate on behalf of the appellants. We have also heard the learned counsel for the respondent.

4. The respondent filed a writ petition for a mandamus to include his name in the "C" list. There was an additional prayer to send him for training. The question of sending the respondent for training would arise only after including his name in the "C" list.

5. The issue raised by the respondent with regard to his eligibility to include his name in the "C" list is pending before the learned single Judge. Such being the factual position, the learned Judge was not correct in entertaining the interim application and directing the appellants to send the respondent for training. We are therefore of the view that the order impugned in this appeal is liable to be set aside.

6. The order dated 9 February 2016 is set aside. The application in WMP No.4356 of 2016 is dismissed.

7. We are informed that the respondent was promoted as Special Sub-Inspector of Police on 1 September 2015. Since his name was not included in the "C" list, he was not sent for training which is a pre-requisite for functioning as Sub-Inspector of Police.

8. In view of the grievance expressed by the learned counsel for the respondent, we direct the Registry to post the writ petition for final disposal before the learned single Judge as per roster, as expeditiously as possible.

9. The intra court appeal is allowed as indicated above. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS II)

//True Copy//

Sub Assistant Registrar

svki

TO:

1. The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.
2. The Addl. Commissioner of Police,
Office of the Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.
3. The Joint Commissioner of Police,
North Zone, Pantheon Road,
Egmore, Chennai - 600 008.
4. The Section Officer,
Writ Section, High Court, Madras.

5. The Section Officer,
Judicial Department,
High court, Madras.

+1cc to Mr.K.M.Ramesh, Advocate sr.no.31140
+1cc to Government Pleader, sr.no.31743

W.A.No.1622 of 2016

gj (co)
nr 11/06/2018