

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 03.04.2018

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.17811 of 2006

B.Murugesan

... Petitioner

Vs.

1. The Director General of Police,
Chennai - 600 004.
 2. The Deputy Inspector General of Police,
Kanchipuram Range,
Kanchipuram.
 3. The Superintendent of Police,
Kanchipuram District.
- ... Respondents

Prayer: The writ petition is Petition filed under Article 226 of the Constitution of India seeking to issue a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the first respondent herein in his proceedings D.Dis.224071/NGB 4 (1)/2004 dated 28.10.2005 and quash the same and consequently direct the respondents herein to promote the petitioner as Sub-Inspector of Police with effect from 13.11.1995 with all consequential service and monetary benefits.

For Petitioner : Mr.M.Sankar

For Respondents : Mr.K.Ravi Kumar

Additional Government Pleader

O R D E R

The petitioner has filed this writ petition seeking issuance of Certiorarified Mandamus calling for the records relating to the impugned order passed by the first respondent herein, in his proceedings D.Dis.224071/NGB 4 (1)/2004 dated 28.10.2005 and quash the same and consequently direct the respondents herein to promote the petitioner as Sub-Inspector of Police with effect from 13.11.1995 with all consequential service and monetary benefits.

2.The brief facts of the case are as follows: The petitioner was enlisted in Police Department as Grade II Police

Constable on 15.09.1970, promoted as Grade I Police Constable on 04.05.1988 and further he was promoted as Head Constable on 01.12.1995. The petitioner in his petition has cited one Siva Kumar, who was enlisted in Police Department as Grade II Police Constable on 04.11.1975 and he was promoted as Temporary Head Constable on 29.08.1983 and later he was regularised in the rank of Head Constable with effect from 13.10.1985. While working in CBCID, he was transferred to local police and was working as Sub-Inspector of Police with effect from 13.11.1995. The writ petitioner requests Sub-Inspector of Police promotions on par with Siva Kumar prior to 10 years of the petitioner.

3. On the said ground the petitioner made a representation in the year 2004 and his request was rejected by the first respondent. The learned counsel for the petitioner has submitted that the petitioner was compelled to work under his juniors. He further stated that the petitioner has been deprived of his legitimate right to promotion for the discriminatory action on the part of the department.

4. The said Sivakumar was appointed as Police Constable in the year 1975. However, the petitioner was also appointed as Grade II Police Constable in the year 1975, the petitioner cannot be considered on par with one Sivakumar. The said Sivakumar was promoted temporarily as Head Constable in the year 1983 and the said post was regularized on the year 1985. The petitioner was promoted as Grade I Police Constable in the year 1988. Since, the said Sivakumar acquired qualification in the year 1985 itself. However, the petitioner acquired the qualification only in the year 1988. Apart from the above the said Sivakumar promotion is based on the Hon'ble Tamil Nadu Administrative Tribunal in O.A. No.1565/95, as Sub-Inspector of Police.

5. The petitioner's case cannot be considered on par with one Siva Kumar after a lapse of 10 years and the first respondent has rightly rejected the request of the petitioner. Hence, I am not inclined to interfere with the order passed by the first respondent. Accordingly, the writ petition is dismissed. No costs.

WEB COPY Sd/-
Assistant Registrar(CO)

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Sub Assistant Registrar

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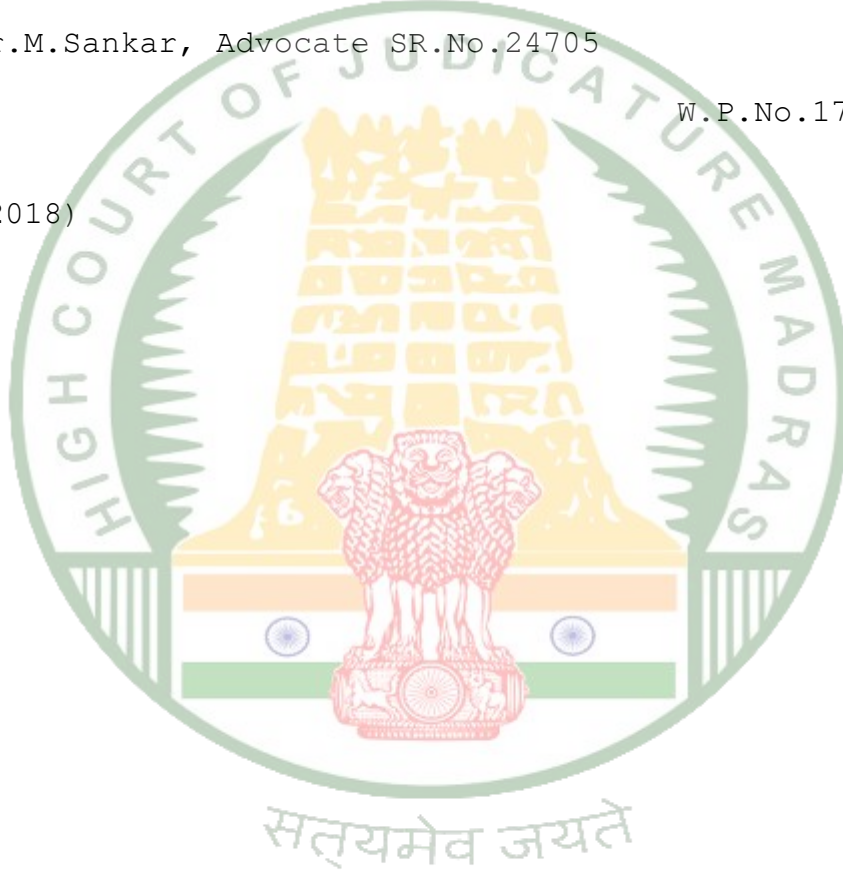
To

1. The Director General of Police,
Chennai - 600 004.
2. The Deputy Inspector General of Police,
Kanchipuram Range,
Kanchipuram.
3. The Superintendent of Police,
Kanchipuram District.

+1cc to Mr.M.Sankar, Advocate SR.No.24705

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CP(CO)
GN(18/05/2018)



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