

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.10.2018

CORAM :

THE HONOURABLE MR. JUSTICE SATRUGHANA PUJAHARI

W.P. No.27729 of 2018

and

WMP.Nos.32254, 32259 and 32263 of 2018

1. R.Moorthy
2. M.S.Madasamy
3. T.Chellasamy
4. P.Kumar
5. S.P.Sundaram
6. S.Saravanan
7. K.Rajeswaran

..Petitioner

..Vs..

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

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

..Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records of the 2nd respondent in connection with the impugned order passed by him in RC No.52543/NGBI (1)/2018 dated 06.09.2018 and consequential order passed in RC No.6726/999/NGBV (1)/P/02/2018 dated 7.9.2018 and quash the same and direct the respondents to consider the claim of the petitioners for inclusion of their names in the C list of Sub-Inspectors of Police (AR) fit for promotion as Inspectors of Police (AR) for the year 2018 and promote them as Inspectors of Police (AR) and grant them all consequential service and monetary benefits.

For Petitioner: Mr.K.Venkatramani
Senior counsel
for Mr.Muthappan

For Respondents: Mr.D.Suriyanarayanan
Additional Government Pleader

O R D E R

Mr.D.Suriyanarayanan, learned Additional Government Pleader accepts notice on behalf of the respondents.

2. By consent, this Writ Petition is taken up and disposed of at the stage of admission itself.

3. The case of the petitioners in this case is that they were given accelerated promotion to the post of Sub Inspector of Police (AR) for their participation in the Operation Cocoon to nab Forest brigand Veerappan, when they were working as Head Constables/Havildars. The main grievance of the petitioners is that though they have attained sufficient seniority and merit for consideration of their claims for promotion as Inspectors of Police, (AR), they have not been granted promotion on the ground that they are entitled to only accelerated promotion but not for accelerated seniority. In the meantime, the Head of the Department has published the 'C' list of Sub Inspectors, (AR) fit for promotion as Inspector of Police (AR), for the year 2018, wherein 93 persons were included and the promotion order were also issued to 24 persons from the 'C' list. As the petitioners' names were not included, they made objections on 11.09.2018 to the respondents with regard to the 'C' list prepared. Since, no orders have been passed till date, the petitioners have come to this Court challenging the 'C' List published with a further prayer to include their names in the 'C' List of Sub-Inspectors of Police (AR) fit for promotion as Inspectors of Police (AR) for the year 2018 and promote them as Inspectors of Police (AR) and grant them all consequential service and monetary benefits.

4. However, during the course of hearing, it is submitted by the learned Senior counsel appearing for the petitioners that though he has made aforesaid prayer, he now confines his prayer seeking a direction to the second respondent to address their objections made with regard to 'C' list and inform the decision taken thereof to the petitioners.

5. Considering such limited prayer now made by the learned petitioner, this Court disposes of the Writ Petition at the stage of admission, with a direction to the second respondent to take an informed and considered decision on the objections of the petitioner made with regard to the 'C' list and intimate the decision taken thereof to the petitioners, within a period of three weeks from the date of receipt of a copy of this order. However, it is made clear that this Court has expressed no opinion on the merit of such objections in any manner. Till decision in this regard is taken and the same is intimated to

the petitioner, no promotion out of the 'C' list shall be given. But, in the meanwhile if any vacancies are required to be filled up and the persons who are entitled to be posted against the said post out of the 'C' list is due to retire before a final decision taken on such representation within the time stipulated, the aforesaid interim order shall not stand on the way to post such person in the 'C' list.

6. This Writ Petition is disposed of with the aforesaid directions. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-
Deputy Registrar (CS)

//True Copy//

Sub Assistant Registrar

arr
To

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

+ 1 cc to Mr. Muthappan, Advocate Sr.72540
+ 1 cc to Mr. Government Pleader Sr.73042

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(CS-DR)
EU(12/11/2018)

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