



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 14.02.2018
CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

WEB COPY

W.P. (MD) No.2635 of 2018

A.Shanmugavel

... Petitioner

Vs.

1. The Director General of Police,
Mylapore, Chennai.

2. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

... Respondents

Prayer: Writ petition is filed under Article 226 of Constitution of India, to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation dated 18.01.2018 and promote the petitioner as Special Sub Inspector of Police.

For petitioner : Mr.V.Muthukamatchi

For Respondents : Mr.K.Saravanan,
Government Advocate

ORDER

The petitioner is working as a Head Constable. He seeks promotion to the post of Special Sub Inspector of Police. The case of the petitioner is that he was appointed as Head Constable on 22.07.2002. The 10 year period of service as Head Constable got expired in 2012. The impediment for grant of promotion as Special Sub Inspector was the punishment imposed against the petitioner.

2.The learned counsel appearing for the petitioner submitted that the punishment period is no longer in currency. Therefore, according to him, promotion ought to have been granted. Since his representation was not considered, this writ petition has been filed.

3.When the matter was taken up for hearing, the learned Government Advocate appearing for the respondents produced a copy of the endorsement dated 06.09.2016 wherein the request of the petitioner was specifically rejected. The said endorsement has been marked to the petitioner also.

4.This Court can come to the conclusion that the petitioner herein received the same. There is no averment about the said rejection in the affidavit filed in support of this writ petition.



5.The learned counsel appearing for the petitioner submits that he is not aware, whether the petitioner had received the endorsement dated 06.09.2016 or not. But, the fact remains that the petitioner's request was considered by the second respondent and it was specifically rejected.

6.Therefore, the only remedy available to the petitioner is to question the same. A simple Writ of Mandamus will not lie. In this view of the matter, the writ petition is dismissed. Liberty is given to the petitioner to question the same. No costs.

Sd/-

Assistant Registrar (CS-I)

/True Copy/

Sub Assistant Registrar

To

1. The Director General of Police,
Mylapore, Chennai.
2. The Superintendent of Police,
Ramanathapuram,
Ramanathapuram District.

+1CC to Mr.V.Muthukamatchi, Advocate, SR.No.49170
+1CC to the Special Government Pleader SR.No. 48991

W.P. (MD) No.2635 of 2018
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SKM

ES/SKN/RSK/SAR 1/17.07.2018/2P/5C