



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 09.02.2018

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P (MD) No.9208 of 2014

WEB COPY

A.Raju

... Petitioner

Vs.

1.The Government of Tamil Nadu,
re. By its Secretary to Home Department,
Fort St. George, Chennai - 600 009.

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

3.The Commissioner of Police,
Madurai City.

... Respondents

Prayer : Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondent Nos.2 and 3 revise and regularise the service seniority and give the further promotion for the post of Inspector of Police by implementing the 3rd respondent's recommendation order dated 14.03.2014 on par-with the following people S.Subbiah and Jeyaraman Inspectors of Police promotion order as per G.O.(D) No.221, dated 04.03.2010 with retrospective effect.

For Petitioner : Mr.A.Rajaram

For Respondents : M/s.S.Srimathy, Spl. G.P.

ORDER

The petitioner joined police department as Grade - II P.C. On 15.05.1975. He became Gr-I PC on 31.12.1983. He became Head Constable on 14.07.1992. He became a S.I. Of Police on 18.01.2004. He retired from service on 30.06.2014. The grievance of the petitioner is that actually he was placed in "C" list for promotion to the post of Inspector. But then, he has not been granted promotion. Therefore seeking promotion to the post of Inspector of Police on notional basis on par with his batch mates, this writ petition has been filed.

2.The writ petitioner's case cannot be accepted. It is true that his name was placed in the "C" list for the year 2013-14. His rank was at Sl.No.13. At that time, only 12 vacancies were available. By the time the writ petitioner's turn came, however, he had already reached the age of superannuation on 30.06.2014. It is only because of this reason the petitioner was not given promotion.

3.Admittedly, it is beyond dispute that vacancy for the post of Inspector of Police was not available on the date of retirement of



the writ petitioner's service. Therefore, on the ground that his batch mates were given, the writ petitioner cannot be retrospectively given notional promotion after his retirement from service.

4. In this view of the matter, there is no merit in this writ petition. The writ petition stands dismissed. No costs.

Sd/

Assistant Registrar(T&P)

/True copy/

Sub Assistant Registrar

To

1. The Secretary to Home Department,
Government of Tamil Nadu,
Fort St. George, Chennai - 600 009.

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

3. The Commissioner of Police,
Madurai City.

+1cc to M/s. Special Government Pleader, SR.No.48249

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