



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 05.03.2018

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.19080 of 2016

and

W.M.P(MD)No.13783 of 2016

Mohan

... Petitioner

Vs.

1.The Senior Commandant
C.I.S.F Unit SCCL,
Singaneri
Andhra Pradesh (Telangana).

2.The Assistant commandant,
Central Industrial Security Force,
Unit SCCL,
Madaram Area,
Adilabad District,
Andhra Pradesh (Telangana)

3.The Assistant Commandant,
Central Industrial Security Force Unit,
South Region,
Sriperambur Taluk,
Kancheepuram District,
Tamil Nadu.

4.The Group Commandant,
Central Industrial Security Force,
South Zone Headquarters,
Rajaji Bhavan, Basant Nagar,
Chennai.

... Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for records pertaining to the impugned order passed by the fourth respondent in his proceedings No.E-31014/MACP/CISF/GHC/ADM-1/2016-532 dated 03.03.2016 and the order passed by the first respondent in his proceedings No.V-11015/Min-Appl/AM/Disc/2012/2346 dated 31.03.2012 and proceedings of the 2nd respondent made in V-



15014/CISF/SCCL/ (S)/MDM/Disc/AM/12-190 dated 13.02.2012 and quash the same and consequently direct the respondents 1 to 3 to promote the petitioner as Sub Inspector of Police, C.I.S.F, along with upgradation pay within the stipulated time fixed by this Court.

For Petitioner : Mr.P.Krishnasamy

For Respondents : Mr.S.Jeyasingh
Central Govt. Standing Counsel

O R D E R

The petitioner is working as Head Constable in CISF for the last 35 years. The next promotional post is that of Assistant Sub Inspector of Police. The petitioner's case for promotion was negatived. Hence, this writ petition has been filed.

2.When the matter was taken up for disposal, the learned standing counsel appearing for the respondents submitted that non SC candidates must secure 50 marks, while SC candidates must secure 40 marks to fulfil the minimum bench mark for getting promotion. In the present case, the petitioner falls short by two marks. The petitioner having secured only 48 marks, was passed over for promotion.

3.Per contra, the learned counsel appearing for the petitioner placing reliance on Rule 24 of CISF Rules 2001, contended that a specially deserving Head Constable who has put in 20 years of service may be promoted to the rank of Assistant Sub Inspector. Of course, in the said Rule, it is further stated that the case for promotion would be considered on the basis of the service record by the Commandant with the approval of the DIG and that the total number of promotions shall not exceed 10% of the posts, which may be filled by the method of promotion.

4.The stand of the respondents that whether it is a case of regular promotion or promotion in terms of Rule 24, the very same parameters of securing the minimum bench mark would apply. This Court finds force in the said submission.

5.However, it has been fairly admitted by the respondents that the petitioner's case will be considered for promotion during the current year.

6.Taking note of the said submission, the fourth respondent shall consider the case of the petitioner also for promotion to the post of Assistant Sub Inspector along with other eligible candidates. Since the petitioner has been passed over in the matter of promotion since 2013 when his juniors were promoted and since the petitioner has put in 35 years of service, the fourth respondent



shall take up the case for petitioner's promotion within a period of six months from the date of receipt of a copy of this order.

7. With the above directions, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(C.O.)

/True Copy/

Sub Assistant Registrar

To

1. The Senior Commandant
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4. The Group Commandant,
Central Industrial Security Force,
South Zone Headquarters,
Rajaji Bhavan, Basant Nagar,
Chennai.

+1CC to Mr.P.Krishna samy, Advocate, SR.No. 53091

+1CC to Mr.S.Jeyasingh, Advocate, SR.No. 52802

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and

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