

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.01.2019

Coram

The Hon'ble Mr. Justice M.M.SUNDRESH
and
The Hon'ble Mr. Justice KRISHNAN RAMASAMY

W.A.No.2492 of 2013

C.Thailamuthu ... Appellant

Vs

- 1.The State of Tamil Nadu
rep. by its Secretary to Government,
Home Department, Fort St. George,
Chennai - 9.
 - 2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai - 4.
 - 3.The Deputy Inspector General of
Police, Tiruchirappalli.
 - 4.The Superintendent of Police,
Karur, Karur District.
 - 5.The Accountant General (Accounts
and Entitlement),
Pension Scheme 15,
No.361, Anna Salai, Chennai - 18.
- ... Respondents

Appeal preferred under Clause XV of Letters Patent against the order dated 03.07.2013 made in W.P.No.18006 of 2013. Writ Petition praying to directing the second respondent to consider and pass orders on the representation dated 09.05.2013 made to him to fix petitioner seniority thereby revising the pension and other retirement benefits by advancing the up-gradation as Grade I Police Constable / Head Constable on completion of 25 years of service and also upgrade to the higher posts notionally in the light of G.O.Ms.No.15 Home (Police V) Department dated 07.01.2010 as well as on the basis of the orders passed by the Honourable High Court in a batch of writ petitions in W.P.Nos.11544 to 11550 of 2012 dated 28.06.2012.

For Appellant .. Mr.M.Baskaran

For Respondents .. Ms.A.Sri Jayanthi,
Spl.Govt. Pleader for R1 to R4
No appearance for R5

JUDGMENT

(Judgment of the Court was delivered by M.M.SUNDRESH, J.)

This writ appeal is directed against the order dated 03.07.2013 made in W.P.No.18006 of 2013.

2.The appellant sought for consideration of his request for upgradation, which was declined by the learned single Judge by going into the merits of the case.

3.Learned counsel appearing for the appellant submits that the learned single Judge ought not to have gone into the merits of the case. There are subsequent developments, which have not been taken into consideration. He would further submit that favourable orders have been passed in favour of the similarly placed persons.

4.Learned Special Government Pleader appearing for respondents 1 to 4 submits that inasmuch as the merits have been gone into by the learned single Judge, no interference is required.

5.What the appellant sought for is only consideration of the representation made. Therefore, we are of the view that the learned single Judge ought not to have gone into the merits of the case. Though the learned counsel for the appellant submits that even on merits the appellant has got a good case, we are not inclined to go into the same. Taking into consideration the pendency of the representation for more than five years, we permit the appellant to submit a copy of the representation dated 09.05.2013 within a period of two weeks from the date of receipt of a copy of this order and the second respondent is directed to consider the said representation within a period of eight weeks thereafter. The second respondent will have to consider the same without being influenced by any of the observations made by the learned single Judge.

6.With the above direction, the writ appeal stands disposed of. No costs.

Sd/-
Assistant Registrar (CS-VI)

//True copy//

Sub Assistant Registrar

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To

1.The Secretary to Government,
Home Department, Fort St. George,
Chennai - 9.

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

3.The Deputy Inspector General of
Police, Tiruchirappalli.

4.The Superintendent of Police,
Karur, Karur District.

5.The Accountant General (Accounts
and Entitlement),
Pension Scheme 15,
No.361, Anna Salai, Chennai - 18.

+1cc to Mr.M.Baskaran, Advocate SR.No.1589

+1cc to Government Pleader SR.No.1467

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MG (CO)
GMY (05/02/2019)

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