

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 09.04.2019

CORAM

THE HON'BLE MR. JUSTICE G.R.SWAMINATHAN

W.P.No. 27309 of 2007

and

M.P.No.1 of 2009

1. R. Vadivelu

... Petitioner

Versus

1. State of Tamil Nadu rep. by
Secretary to Government
Home (Police VIII) Dept,
Fort St. George, Chennai - 9

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

..... Respondents

PRAYER:

This writ petition is filed under Article 226 of Constitution of India to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed by him in RC No.12585/NGBVII(2)/2007 dated 19.04.2007 and quash the same and further direct the respondents to grant accelerated promotion to the petitioner as Sub-Inspector of Police and cash reward and grant him such other further relief.

For Appellant :Mr.P. Jegan Inbarajan

For Respondent :Mr.N. Karthikeyan
Additional Government Pleader

O R D E R

This Writ petition is filed to issue a writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed by him in RC No.12585/NGBVII(2)/2007 dated 19.04.2007 and quash the same and further direct the respondents to grant accelerated promotion to the petitioner as Sub-Inspector of Police and cash reward.

2. Heard the counsels appearing on either side and perused the material available on record.

3. The writ petitioner has since retired from the Police Department when he was working as a Head Constable, he has filed this writ petition, in the year 2007. The case of the writ petitioner is that he was a member of the Special Task Force which was formed to Nab the Notirious Forest Brigand Veerappan. The petitioner had served in the Special Task force from the year 1989 to 1993. The Forest Brigand and his gang members were short dead on 18.10.2004. Recognising the sustained efforts of Special Task Force Officers and men, the Government issued G.O.M.S.No.1346, Home(Police.VIII) Department, dated 06.12.2004, and announced accelerated promotion and also cash awards and yet another G.O.M.S.No.153 dated 26.02.2006 was also issued for the same reason.

4. The petitioner submitted a representation dated 28.06.2006 claiming the benefits of the above said G.Os. Since, his representation was not considered he filed W.P.No.2498 of 2007. This Court by order dated 23.10.2007, directed the Director General of Police, Chennai to dispose of his representation. Pursuant thereto, the impugned order dated 19.04.2007 was passed negating the petitioner's request. Challenging the same, this writ petition has been filed.

5. The learned counsel appearing for the writ petitioner reiterated the contents set out in the affidavit filed in support of the writ petition.

6. The learned counsel appearing for the respondents have filed a detailed counter affidavit. As rightly contended by the learned Additional Government Pleader (writs), every one who was a Member of the Special Task Force, was not given cash award and accelerated Promotion. Certain norms were laid down. It was made clear that only those members who had taken part in the major operation or encounter and performed outstandingly alone, were given accelerated Promotion or cash award. In the case on hand it has been categorically stated that, the writ petitioner was only a member of the Police party and that, he did not play any major role. The Director General of Police who is a competent Authority, has given a factual finding, that the writ petitioner did not satisfy the norms and that only those who satisfied the norms alone have been considered. In the affidavit filed in support of the writ petition no legal grounds have been placed before this Court to dislodge the said finding rendered by the authority. The case of the petitioner rests on his membership in the Special Task Force and not on any outstanding role. As already pointed out, it is the mere membership but actual performance that matters. Even if such a claim is made in exercise of jurisdiction under Article 226 of the Constitution, I cannot conduct a roving enquiry into such a claim

7. There are no merits in the writ petition. Accordingly, this writ petition stands dismissed. No Costs. Consequently, connected miscellaneous petition is closed.

Sd/-
Assistant Registrar (CS V)

//True Copy//

Sub Assistant Registrar

smn

To

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

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

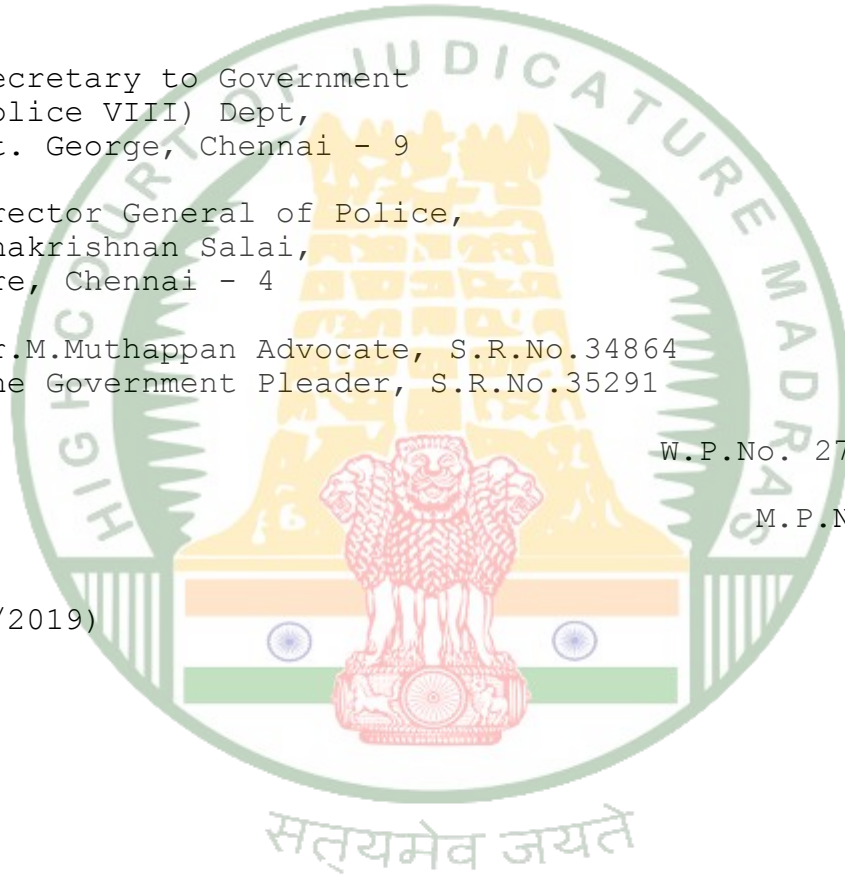
+1cc to Mr. M. Muthappan Advocate, S.R.No.34864

+1cc to the Government Pleader, S.R.No.35291

W.P.No. 27309 of 2007
and
M.P.No.1 of 2007

RR (CO)

RRS (11/07/2019)



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