

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED : 07.02.2019

CORAM:
THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.P.No.3426 of 2019 and
WMP.Nos.3717, 3718 & 3720 of 2019

1.C.Prakash
2.M.KatharBasha
3.J.Arumugam
4.G.Sundaram

.. Petitioners

vs.

1.State of Tamil Nadu,
Represented by its
Secretary to Government,
Home Department,
Fort St. George,
Chennai.

2.The Director General Of Police,
Chennai 4.

.. Respondents

PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorari Mandamus, calling for the records relating to the impugned order of the second respondent in Rc.No.163720/NGBV(2)/2018 dated 21.12.2018, quash the same and consequently direct the respondents herein to consider for the promotional post of Sub-Inspector of Police (Armed Reserve) fixing seniority as per the date of enlistment as Grade-II Police Constable.

For Petitioners : Mr.C.B.Vishnu Dasan

For Respondents : Mr.D.Suriya Narayanan
Additional Government Pleader

O R D E R

The impugned order dated 21.12.2018 is nothing but the instructions issued by the Director General of Police to all the Commissioner of Police in Cities. The Inspector General of Police, Railways, Chennai and all the Deputy Inspector of Police in Range.

2. The impugned circular states that " In pursuance of the directions of the Hon'ble Court, a direction is issued to draw a fresh Promotion Panel for the post of SI(AR) in respect of the year 2018 for the vacancies that exist under rank promotee quota

as on 01.01.2018 strictly in accordance with the seniority of Police Personnel in the rank of Head Constable and not as per their enlistment seniority".

3. The Circular further states that the consequent to this instructions issued in the proceedings dated 21.12.2018, a fresh promotion panel already drawn by them for the year 2018 is ordered to be cancelled. The circular impugned was issued based on the orders passed by this Court.

4. This apart, the Circulars are issued for the purpose of preparation of panel for promotion to the post of Sub Inspector of Police. If at all, any panel is prepared or the particulars are called for by the competent authorities, the writ petitioners are at liberty to submit their objections or otherwise for the purpose of considering their case for inclusion in the panel. As of now, a mere instruction issued to the subordinate officials would not provide any cause for the writ petitioner to move the present writ petition.

5. The Circular Perse is not affecting the right of the writ petitioner to consider his name for the inclusion in the panel to be prepared. Thus, the writ petitioner cannot be construed as an aggrieved person as of now and in the event of any further action, in respect of the preparation of panel is undertaken, the writ petitioner is at liberty to submit his objections/representations to the competent authorities, enabling the authorities to consider the case with reference to the rules and the orders of the Government in this regard.

6. With these observations, the writ petition stands disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Kak/kmm

To

1.State of Tamil Nadu,
Secretary to Government,
Home Department,
Fort St. George, Chennai.

2.The Director General Of Police,
Chennai 4.

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+2ccs to Mr.S.Manivasagam, Advocate, S.R.No.12233
+1cc to the Government Pleader, S.R.No.11388.

W.P.No.3426 of 2019

SR(CO)

rrs 06/03/2019



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