

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated : 22.10.2019

Coram

The Honourable Mr.Justice D.KRISHNAKUMAR

W.P.No.15653 of 2010

D.Abdul Majeeth

...Petitioner

Versus

1.The Secretary to Government,
Home (Police-2) Department,
Fort St.George, Chennai.

2.The Commissioner of Police,
Chennai City Police Office, Chennai - 600 008.

3.The Additional Commissioner of Police,
Traffic, Chennai - 600 010.

...Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus to call for the records relating to the impugned order passed by the third respondent herein in his proceedings R.C.No.Addl.COP. (Tr)/Estt II/664/14621/09 dated 07.01.2010 and quash the same and consequently, issue a direction directing the first and second respondents herein to grant one stage accelerated promotion to the post of Sub-Inspector of Police together with all consequential service benefits and monetary benefits.

For Petitioner : Mr.G.Bala

For Respondents : Mr.A.Ansar,
Government Advocate

O R D E R

With the consent of both sides, this Writ Petition is taken up for final disposal.

2. The relief sought for in the present writ petition is to call for the records relating to the impugned order passed by the third respondent herein in his proceedings R.C.No.Addl.COP. (Tr)/Estt II/664/14621/09 dated 07.01.2010 and quash the same

and consequently, issue a direction directing the first and second respondents herein to grant one stage accelerated promotion to the post of Sub-Inspector of Police together with all consequential service benefits and monetary benefits.

3. It is the case that on 27.07.1986, the petitioner joined the Police Department as Grade II Police Constable and he was upgraded as Grade I Police Constable in the year 1997. Later, he was promoted as Head Constable in the year 2002. The petitioner is maintaining a clean record of services till date.

3.1 On 21.06.2009, the petitioner was deputed to regulate the Traffic at Anna Salai, Nandanam Junction. While he was on Traffic Regulation duty, one Mr.Kuppusamy aged about 55 years along with his wife were proceeded near Nandanam Junction at Agriculture Department Office. Suddenly one person came near to them snatched a Gold Chain around 10 sovereigns from the wife of said Kuppursamy and ran away.

3.2 Immediately after noticing the above incident, the petitioner rushed to the spot and made an enquiry. The victim informed everything to the petitioner and the petitioner started chasing the suspect and finally captured the chain snatcher near the 3rd Street, Nandanam and informed the Control Room. Thereafter, the Police Patrol vehicle came to the spot and the chain snatcher was taken to the Police Station. A case was registered in Crime No.309 of 2009 u/s. 379 IPC at J1 Saidapet Police Station and the accused was remanded to judicial custody. The Higher Police Officials of the petitioner appreciated his brave and swift action in capturing the chain snatcher within few minutes from the occurrence.

3.3 Just few weeks before the aforesaid incident, the second respondent had announced that the Police Personnel those who are securing the snatched ornaments from the robbers, dacoits will be rewarded with accelerated promotions. The petitioner's Higher Officials had also assured the petitioner that he would be given an accelerated promotion for his brave and swift action in capturing the chain snatcher on 21.06.2009. The petitioner was on called to submit a representation in this regard and on 04.07.2009, he submitted a representation to the second respondent. Taking into account of the petitioner's representation, the second respondent directed the third respondent to collect the service particulars to the petitioner for grant of accelerated promotion. However, on 07.01.2010, the third respondent had rejected the petitioner's claim for accelerated promotion. Hence, left with no other alternative, the petitioner has filed the present writ petition.

4. The learned counsel for the petitioner submitted that the writ petitioner is entitled to the benefit already granted by the Government in G.O.Ms.No.153 dated 26.02.2006. He further submitted that without considering the petitioner's representation and ignoring the aforesaid Government Order, the third respondent passed the impugned order and therefore, the same is liable to be quashed.

5. The learned Government Advocate appearing for the respondents submitted that petitioner's case deserves no merit. He also drew the attention of this Court to the paragraph Nos.8 (d) & 9 of the counter affidavit, wherein, the respondents have stated as follows:

"8.

.....

(d) The scheme of Accelerated Promotion was scrapped in G.O.Ms.No.769 Home (Police XI) Department dated 11.07.2008. Therefore, the request of the petitioner to give him accelerated promotion is not genuine and not a deserving case.

9. It is submitted that the third respondent had given a reply to the Commissioner of Police stating that the petitioner deserved appreciation and he was duly rewarded for his act with a cash reward of Rs.500/-. But it cannot be construed as exemplary. A reply in this regard also given to the petitioner. For the foregoing reasons and the legal submission to be made at the time of arguments, it is humbly prayed that this Hon'ble Court may be pleased to dismiss this Writ Petition as devoid of merits and thus and render justice."

6. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for the respondents.

7. Based on the recommendations and decisions of the High Powered Committee, the Government took a decision to scrap the accelerated promotion scheme and issued G.O.Ms.No.769 Home (Police XI) dated 11.07.2008. As per said Government Order, the scheme for "Accelerated Promotion" itself has been dispensed with. Taking note of the facts and circumstances of the case, this Court is of the opinion that the case of the petitioner deserves no merit of consideration and therefore, this Writ Petition is liable to be dismissed.

8. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

mrr

To

1.The Secretary to Government,
Home (Police-2) Department,
Fort St.George, Chennai.

2.The Commissioner of Police,
Chennai City Police Office, Chennai - 600 008.

3.The Additional Commissioner of Police,
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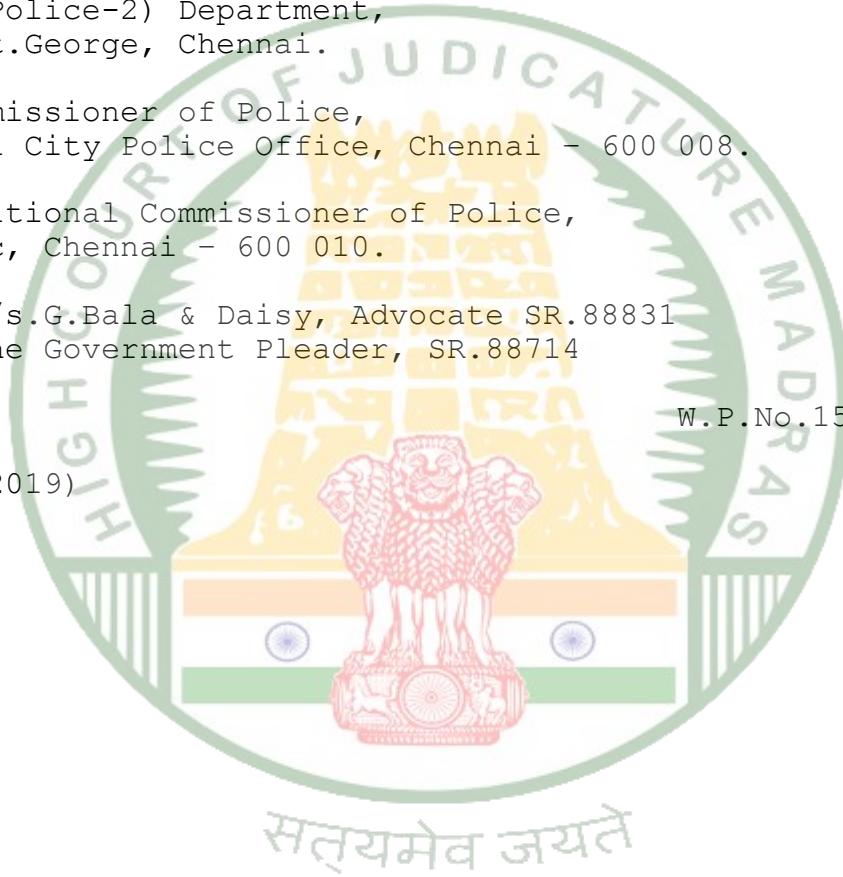
+lcc to M/s.G.Bala & Daisy, Advocate SR.88831

+lcc to the Government Pleader, SR.88714

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BP(CO)

CB(27/11/2019)



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