

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2019

CORAM

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
and
THE HONOURABLE Ms.JUSTICE P.T.ASHA

W.P.No.3155 of 2019
and
W.M.P.No.3419 of 2019

1.S.Sundaramurthy
2.A. Varadhan @ Adhimoolam ... Petitioners

Vs.

1.Union of India
rep.by the Secretary to Government,
Home Department,
Government of Union Territory of Puducherry,
Puducherry.

2.The Inspector General of Police,
Government of Union Territory of Puducherry,
Puducherry.

3.The Superintendent of Police,
Head Quarters,
Government of Union Territory of Puducherry,
Puducherry.

4.The Central Administrative Tribunal,
Additional Bench at Chennai,
rep.by its Registrar,
Chennai - 600 104. ... Respondents

Writ Petition filed under Article 226 of the constitution of India to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 4th respondent relating to the impugned order of the respondent dated 19.11.2018 passed in MA.No.310/00754/2015 and OA.310/00511/2017 and quash the same and consequently, allow the application to condone the delay of 1620 days in MA.310/00754/2015 and OA.310/00511/2017 and notionally

promote the petitioners as Police Constables with effect from 16.10.2003 with all consequential monetary benefits and seniority benefits.

For Petitioners : Mr.R. Saravanan

For Respondents : R4-Tribunal
Mr.Syed Mustafa,
Special Government Pleader

O R D E R

(Order of the Court was made by K.K.SASIDHARAN, J.,)

The Original Application filed by the petitioners making a claim for promotion notionally in the post of Police Constables was dismissed by the Tribunal on the ground of delay and latches. Feeling aggrieved, the unsuccessful petitioners are before this Court.

2.We have heard the learned counsel for the petitioners and the learned Special Government Pleader (Puducherry) for the respondents.

3.The 1st petitioner was appointed as Home Guard on 12.11.1989 and thereafter, he was appointed as Bugler on regular basis on 06.10.1997. The 2nd petitioner was appointed as Bugler on compassionate basis on 16.10.1997.

4.The petitioners were ultimately given promotion in the year 2010. According to the petitioners, they ought to have given promotion in the year 2003. The petitioners therefore submitted series of representations claiming promotion. Since those representations were not considered, the petitioners filed the Original Application.

5.Before the Tribunal, the petitioners were not in a position to submit any acceptable material to show that immediately after the denial of promotion, they have taken up the issue with the respondents. It was the said reason which made by the Tribunal to dismiss the Original Application.

6.After hearing the learned counsel for the petitioners and the learned Special Government Pleader (Puducherry) appearing on behalf of the respondents, we are of the view

that instead of sending the matter back to the Tribunal for consideration on merits, interest of justice will be subserved by directing the respondents to consider the representations dated 21.01.2015 and 13.02.2015 on merits and in accordance with law.

7.We direct the 2nd respondent to consider the representations referred to above on merits and in accordance with law. Such exercise shall be completed within a period of four months from the date of receipt of a copy of this order.

The Writ Petition is disposed of with the above direction. Consequently, connected Miscellaneous Petition is closed. No costs.

Sd/-
Assistant Registrar(insp cell)

//True Copy//

Sub Assistant Registrar

mps

To

1.The Registrar,
Central Administrative Tribunal,
Madras Bench,
High Court Campus,
Chennai - 104.

2.The Secretary to Government,
Union of India,
Home Department,
Government of Union Territory of Puducherry,
Puducherry.

3.The Inspector General of Police,
Government of Union Territory of Puducherry,
Puducherry.

4.The Superintendent of Police,
Head Quarters,
Government of Union Territory of Puducherry,
Puducherry.

+1cc to Mr.R. Saravanan , Advocate SR.No. 51476

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and

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nmi A.SK(14/08/2019)