

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED :11.01.2019

CORAM
THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
W.P.No.26493 of 2005

R.Umashankar

..Petitioner

vs

1.The State of Tamil Nadu
rep.by the Secretary to Government
Home Department,
Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu,
Chennai - 600 004.

..Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, calling for the recodrs of the 1st respondent in his letter No.128843/Police.1A/04-6 dated 13.4.2005 and quash the same and consequently direct the respondents to re-fix the seniority of the petitioner by including the petitioner in the "C" List of the year 1981 and consequently promote the petitioner to the post of Addl.Deputy Superintendent of Police.

For Petitioner : Mr.G.Saravanakumar

For Respondents : M/s.R.Janaki, Additional
Government Pleader
for R1 & R2

O R D E R
सत्यमेव जयते

The impugned order issued rejecting the claim of the writ petitioner for inclusion of his name in the "C" list of the year 1981 and promote the writ petitioner to the Post of Additional Deputy Superintendent of Police is under challenge in the present writ petition.

2.The writ petitioner states that he was directly recruited as Sub Inspector of Police on 01.04.1970 and thereafter, promoted to the Post of Inspector of Police. The petitioner had become eligible for promotion to the Post of Inspector of Police during the year 1981 itself. However, there is a delay in considering the case of the writ petitioner.

3.It is pertinent to note that even the writ petition itself was filed during the year 2005, when the writ petitioner was about to attain the age of superannuation. This apart, the claim was in relation to the year of 1981 and the writ petitioner had not initiated appropriate action for many years in respect of the re-fixation of his seniority with reference to the panel of the year 1981. The impugned order passed by the 1st respondent in proceedings dated 13.04.2005 also undertakes that the writ petitioner had submitted a petition on 25.09.2003 and the same is stated in reference 6 of the impugned order. When the petitioner's claim is of the year 1981 and the application before the 1st respondent was filed during the year 2003, after a lapse of about 22 years, there is no point in considering the claim of the writ petitioner now after a lapse of about 37 years. The settled seniority of the year 1981 cannot be now unsettled after a lapse of about 37 years.

4.This apart, the impugned order also states that the service records of the writ petitioner as the Police officer was not satisfactory and the last report was also not favourable to the writ petitioner. The State Promotion Board, which was exclusively convened on 06.11.1987, assessed the suitability of the writ petitioner for inclusion of the name in the "C" list of Sub-Inspectors of Police fit for promotion to the Post of Inspectors of Police for the year 1978 and concluded that the writ petitioner was not suitable for inclusion in the said "C" list in view of one major punishment and 13 other minor punishments, besides a bad record of service.

5.This being the findings even during the year 1987, the petition filed by the writ petitioner during the year 2003 was replied by the 1st respondent. Such a reply cannot be a cause of action for the purpose of seeking a direction to include the name of the writ petitioner in the panel of the year 1981.

6.This being the factum, the writ petitioner has not established any acceptable ground for the purpose of grant of relief as such sought for in the present writ petition.

7.Accordingly, the writ petition stands dismissed. However, there shall be no order as to costs.

Sd/-

Assistant Registrar(CS III)

//True Copy//

Sub Assistant Registrar

kak

To

1.The Secretary to Government
Home Department,
Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Tamil Nadu,
Chennai - 600 004.

+1cc to Mr.G.Saravanakumar, Advocate, S.R.No.3081

W.P.No.26493 of 2005

SSV(CO)

rrs 12/02/2019



WEB COPY