



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.09.2019

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THE HONOURABLE Mr. JUSTICE M. DHANDAPANI

W.P.No.17455 of 2019

A.Dhandapani

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Petitioner

vs

1 The Director General of Police,
Kamarajar Salai, Mylapore, Chennai-4.

2 The Deputy Inspector General
of Police, Railways, Tiruchirapalli.

3 The Superintendent of Police
Railways, Chennai-8.

...

Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to give up-gradation to the post of Head Constable and Special Sub Inspector from the year 2010 by giving notional benefit to the petitioner after taking notice of his 35 years of qualifying service and to pay the re-fixed pension benefits as per the revised scale of pay in the promotional post by considering his representations dated 18-02-2010, 22-07-2010, 10-09-2010, 13-04-2013, 26-07-2013, 05-01-2015, 04-5-15 and 15-2-2019.

For Petitioner : Mr.N. Manoharan

For Respondents : Mr.R.S. Selvam,
Government Advocate

ORDER

This petition has been filed seeking for a direction to the respondents to give up-gradation to the post of Head Constable and Special Sub Inspector from the year 2010 by giving notional



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benefits to the petitioner after taking notice of his 35 years of qualifying service and to pay the re-fixed pension benefits as per the revised scale of pay in the promotional post by considering his representations dated 18-02-2010, 22-07-2010, 10-09-2010, 13-04-2013, 26-07-2013, 05-01-2015, 04-5-15 and 15-2-2019.

2.The case of the petitioner is that the petitioner was appointed as Grade II Police Constable on 05.09.1977 and his seniority was fixed as Sl.No.1 vide proceedings of the 3rd respondent dated 19.11.1981. Further, he was promoted as Grade I Police Constable on 10.02.1993. Subsequently, he along with 32 others was reverted back to the post of Grade II Police Constables. Pursuant to the orders of the Chief office, dated 22.07.1994, the petitioner was promoted as Grade I Police Constable and was upgraded as Head Constable along with 44 others on 22.07.1999. Again on 17.12.1999, the petitioner was reverted back to the post of Grade I Police Constable on the ground that charges under Section 3(b) of the TN PSS (D & A) Rules, 1955, were pending. Whiles o, he was imposed with a punishment of compulsory retirement in P.R.No.06/2005, dated 21.06.2005. Hence, the petitioner has filed a mercy petition to the 1st respondent and after considering his past service, the punishment of compulsory retirement was set aside and it was modified by way of rank reduction from Grade I Police Constable to Grade II Police Constable for a period of one year. Accordingly, he was reinstated into service with effect from 02.02.2007.

3.After completion of the period of punishment, again he was promoted to the post of Grade I Police Constable on 27.02.2008. Initially, when the petitioner was promoted to the post of Head Constable on 22.07.1999, there was no currency of punishment to make him ineligible for promotion to the post of Head Constable. Hence, the petitioner has submitted a petition dated 28.07.2010 to the respondents to consider his promotion and the 3rd respondent informed the petitioner that after completion of five years of service, his promotion will be considered. Thereafter, the petitioner submitted several representations to the respondents with a request to upgrade him to the post of Head Constable and Special Sub Inspector of Police, but all his representations have not been considered. Due to inaction on the part of the respondents, the petitioner has filed this Writ Petition.

4.Though the petitioner was entitled for up-gradation to the post of Head Constable and Special Sub Inspector from the year 2010, his request was not considered by the respondents. Hence,



he made several representations from 18.02.2010 till 15.02.2019, the same were not considered by the respondents.

5. Considering the facts and circumstances of the case and the limited request made by the learned counsel for the petitioner, this Court directs the 3rd respondent to dispose of the representation dated 15.02.2019 within a period of twelve weeks from the date of receipt of a copy of this order.

With the above direction, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

mps

To

- 1 The Director General of
Police, Kamarajar Salai, Mylapore, Chennai-4.
- 2 The Deputy Inspector General
of Police, Railways, Tiruchirapalli.
- 3 The Superintendent of Police
Railways, Chennai-8.

+1cc to Mr.N. Manoharan, Advocate sr.82931

+1cc to Government Pleader SR.NO. 83621

W.P.No.17455 of 2019

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