



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.19589 of 2013

P.Sankaran

... Petitioner

-Vs-

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.

2.The Accountant General (Accounts & Entitlement),
Pension Section-15,
361, Anna Salai, Chennai-600 018.

3.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records on the file of the third respondent in connection with the impugned order of rejection of upgradation passed in Na.Ka.No.A5/51764/2010 dated 09.11.2010 and quash the same as illegal and arbitrary and consequently, direct the first and third respondents to consider the petitioner's case for upgradation to the post of Special Sub Inspector of Police, on completion of 10 years in the post of Head Constable i.e., 31.01.1995 in view of G.O.Ms.No.937, Home Department, dated 21.07.1998 with all monetary and service benefits within the time limit that may be stipulated by this Court.

For Petitioner : Mr.G.Thalaimutharasu

For R1 and R3 : Mr.M.Jeyakumar,
Additional Government Pleader.

For R2 : Mr.P.Gunasekaran

ORDER

The order of rejection dated 09.11.2010, rejecting the claim of the writ petitioner for retrospective promotion, is under challenge in the present Writ Petition.



2.The writ petitioner was appointed in the post of Grade-II Police Constable in the year 1962 and finally upgraded as Head Constable on 01.02.1985. The writ petitioner attained the age of superannuation and retired from service on 13.09.1998. The writ petitioner has served about 36 years and accordingly, has not upgraded to the post of Special Sub-Inspector of Police in the year 1995 on completion of 10 years of service in the post of Head Constable. The Government has issued G.O.Ms.No.937, Home Department, dated 21.07.1998 and pursuant to the Government Order, the benefits were not granted.

3.The learned counsel appearing on behalf of the second respondent made a submission that the writ petitioner was granted a special benefit of promotion by the Government and the upgradation was granted on completion of 10 years of service to all the persons, who are similarly placed and the writ petitioner is also a beneficiary of the Government policy and accordingly, his pension and terminal benefits were also settled during the year 1998 after his retirement.

4.The present Writ Petition is filed in the year 2013, after a lapse of about 15 years from the date of retirement. Even at the time of filing of the Writ Petition, the writ petitioner was aged about 73 years and now, he would be around 78 years. Under these circumstances, the retrospective promotion in respect of the service rendered by him prior to the year 1998 cannot be granted.

5.This apart, the upgradation was granted to the writ petitioner, pursuant to the Government Orders and accordingly, pensionary benefits were also settled long back during the year 1998. Thus, the claim for retrospective promotion after lapse of so many years from the date of retirement, cannot be granted and undoubtedly, such claims are stale in nature and therefore, the Writ Petition stands dismissed both on merits and in accordance with law on the ground of laches. No costs.

Sd/-

Assistant Registrar (Writs)

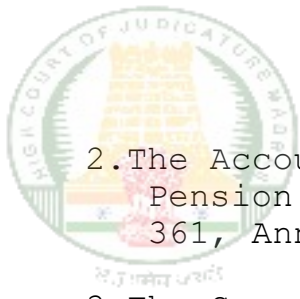
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Sub Assistant Registrar(CS)

To

1.The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Accountant General (Accounts & Entitlement),
Pension Section-15,
361, Anna Salai, Chennai-600 018.

3.The Superintendent of Police,
Thoothukudi District, Thoothukudi.

+1 CC to M/s.G.THALAIMUTHARASU, Advocate (SR-79678[F] dated
05/08/2019)

+1 CC to M/s.P.GUNASEKARAN, Advocate (SR-79814[F] dated
05/08/2019)

W.P. (MD) No.19589 of 2013
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