



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.08.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.5212 of 2013

WEB COPY

S.Antony Soosai

... Petitioner

-Vs-

1.The State of Tamil Nadu,
Through the Secretary,
Home Department, Fort St.George,
Chennai.

2.The Director General of Police,
Mylapore, Chennai-600 009.

3.The Commissioner of Police,
Office of the Commissioner,
Tirunelveli.

4.P.Subramanian

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records from the second respondent in his proceedings in Rc.No.51080/NGB1(1)/2012 dated 19.11.2012 and quash the same and consequently, direct the respondents 1 to 3 to include the name of the petitioner in the promotion list for the post of Inspector of Police forthwith.

For Petitioner : Mr.G.Gomathi Sankar

For R1 to R3 : Mr.M.Jeyakumar,

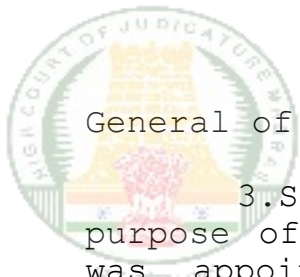
Additional Government Pleader.

For R4 : Mr.K.Sellathurai

ORDER

The circular issued by the Director General of Police in proceeding dated 19.11.2012, is under challenge in the present Writ Petition.

2.The circular impugned states that the concerned officials are directed to send the particulars of the eligible candidates for promotion to the post of Inspector of Police. In other words, the "C" list of Sub-Inspector of Police (Armed Reserve) fit for promotion to the post of Inspector of Police (Armed Reserve) for the panel of the year 2012, is called for by the office of the Director



General of Police.

3. Such circular itself cannot provide any cause for the purpose of filing the present Writ Petition. The writ petitioner was appointed as Grade-II Police Constable and subsequently, promoted as Head Constable during the year 2000. The writ petitioner was promoted as Sub-Inspector of Police in the year 2006 and he claims that he is eligible for promotion to the post of Inspector of Police. The circular issued by the Director General of Police cannot be a ground to seek retrospective promotion or otherwise. Even at the time of filing of the Writ Petition, the writ petitioner was aged about 56 years and during the pendency of the Writ Petition, he was retired from service on 30.11.2014 on attaining the age of superannuation.

4. The learned Additional Government Pleader appearing on behalf of the respondents 1 to 3, on instructions, made a submission that the writ petitioner, during the relevant point of time, when the panel of the year 2012 was prepared, was not eligible for promotion to the post of Inspector of Police and disciplinary proceedings were also pending against him.

5. However, this Court is of the considered opinion that only in the event of establishing that the case of the writ petitioner was not considered and his junior was promoted, then such cause would arise for filing this Writ Petition. But no such cause of action has been raised contrarily, the very circular is issued by the Director General of Police, inviting particulars from the subordinate officials to furnish the eligible persons working in the cadre of Sub-Inspector of Police for promotion to the post of Inspector of Police.

6. This being the nature of the circular impugned in the present Writ Petition, the writ petitioner has not established any acceptable legal ground for the purpose of considering the relief as such sought for in the present Writ Petition. The fact remains that the writ petitioner already attained the age of superannuation and retired from service. If at all any grievances exist, it is left open to him to redress the same by filing proper appeal to the competent authorities.

7. With these observations, this Writ Petition stands dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar (CS)



To

1.The Secretary,
State of Tamil Nadu,
Home Department, Fort St.George,
Chennai.

2.The Director General of Police,
Mylapore, Chennai-600 009.

3.The Commissioner of Police,
Office of the Commissioner,
Tirunelveli

+1 CC to M/s.G.GOMATHI SANKAR, Advocate (SR-79648[F] dated
05/08/2019)

+1 CC to M/s.SPL GP (SR-79726[F] dated 05/08/2019)

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