



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 27.06.2019

CORAM:

THE HONOURABLE **MR. JUSTICE S.M.SUBRAMANIAM**

W.P. (MD) No.10544 of 2015

and

M.P. (MD) .No.2 of 2015

N.Jebamony

... Petitioner

Vs.

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

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

3.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli District.

4.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

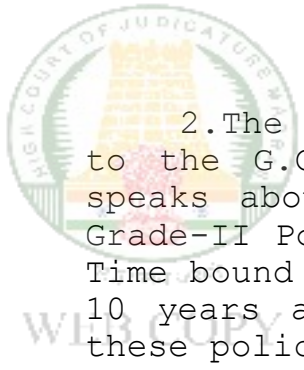
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records on the file of the 2nd respondent pertaining to its order in Na.Ka.No.199644/N.G.P.3(2)/2011 dated 21.09.2011 and to quash the same and consequently direct the respondents to fix the seniority and pay the monetary benefits in accordance with G.O.Ms.No.844 dated 03.06.1997.

For Petitioner	: Mr.S.C.Herold Singh
For R1 to R4	: Mr.D.Muruganantham
	Additional Government Pleader

ORDER

Belated realization of the writ petitioner prompted him to approach the High Court, however, the person, who has slept over his right, cannot wake up one fine morning and knock the doors of the Court for the relief of promotion. The promotions are sought to be claimed or such grievances are to be redressed soon after the employee is denied the opportunity of promotion.



2.The writ petitioner is entitled for promotion with reference to the G.O.Ms.No.844 dated 03.06.1997. The said Government Order speaks about the promotion to the post of Grade-I Constable from Grade-II Police Constable as well as to the post of Head Constable. Time bound promotions were granted in G.O.Ms.No.844 on completion of 10 years as well as 15 years promotions sought to be granted to these police personnel.

3.Admittedly, the writ petitioner had attained the age of superannuation and allowed to retire from service on 31.05.2008. When the writ petitioner attained the age of superannuation in the year 2008, the present writ petition is filed on 17th July 2015, after a lapse of 6 years from the date of retirement. Such stale claim cannot be adjudicated nor any relief can be granted in relation to the promotion to the higher post of Head Constable, Sub-Inspector or otherwise. All such grievances in relation to the promotions sought to be redressed by the employees concerned during the relevant point of time.

4.Settled terms cannot be unsettled after a lapse of many years. The police man working in a Police Department can never be considered as a illiterate person or ignorant of law, even that ignorance of law is not an excuse. For all these reasons, the writ petition is highly belated. The writ petitioner even at the time of filing of the writ petition was about 64 years and now he would be around 69 years. This Court wishes him to get peace till the end of his life.

5.With these observation, this writ petition stands dismissed on the ground of laches. No costs. Consequently, the connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AE)

// True Copy //

Sub Assistant Registrar(CS)

To

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

2.The Director General of Police,
Kamarajar Salai,
Mylapore,

<https://hcservices.ecourts.gov.in/hcservices/>
Chennai-600 004.



3.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli District.

4.The Superintendent of Police,
Nagercoil,
Kanyakumari District.

+1cc to Mr.S.C.HEROLD SINGH, Advocate, SR.No.71992
+1cc to M/s.Special Government Pleader,SR.No. 72156

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and
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NS
KK/SAR/23.07.2019/3P-7C

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