



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.06.2019

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD) No.20128 of 2015

S.Diraviyam

... Petitioner

Vs

1.The State represented by the Home Secretary,
Fort St.George,
Chennai.

2.The Director General of Police,
DGP Office, Kamarajar Salai,
Mylapore, Chennai.

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

4.The Superintendent of Police,
District SP Office,
Tirunelveli.

... Respondents

PRAYER : Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the records pertaining to the order passed by the respondent No.4 in Na.Ka.No.A1/5891/2015-323 dated 11.07.2015 and quash the same consequently direct the respondents no.2 to 4 to fix the seniority and give promotion salary benefits to the petitioner for the post of SSI of Police.

For Petitioners : Mr.K.Navaneetharaja
For Respondents : Mr.S.Dhayalan
Government Advocate

ORDER

The order of rejection rejecting the claim of the writ petitioner to grant promotion to the post of regular Sub Inspector of Police, is under challenge in the present writ petition.

2.The learned counsel for the petitioner states that the writ petitioner was appointed on 09.08.1975 as constable and he got promotion to the post of Police Constable Grade-2 after a period of 23 years, with reference to his original date of appointment. The writ petitioner was promoted to the post of Special Sub Inspector during the year 2008 and he was allowed to retire from service on 30.04.2010. The grievance of the writ petitioner is that he was not promoted to the post of Regular Sub Inspector of Police, though he was fully qualified and eligible for such promotions.



3.The learned Additional Government Pleader appearing for the respondents states that the writ petitioner was promoted to the post of Special Sub Inspector, as per the seniority and in accordance with the Rules. There was no infirmity in respect of the post of Special Sub Inspector of Police. This writ petition is liable to be rejected.

4.The admitted facts are that the writ petitioner was appointed as Grade-2 Police Constable on 09.08.1975 and he was promoted to the post of Special Sub Inspector on 01.06.2008 and he was allowed to retire on 30.04.2010 under Voluntary Retirement Scheme. The writ petition itself was filed on 04.11.2015 after a lapse of about 5 years from the date of retirement of the writ petitioner under the Voluntary Retirement Scheme. A person who slept over his right cannot wake up in one fine morning and knock the doors of this Court. Ignorance of law in respect of public service, more specifically, working in the cadre of Special Sub Inspector of police, can never be accepted. The contentions of the learned counsel for the writ petitioner that some other person filed a writ petition and the writ petitioner has been waiting for the orders in that writ petition, is of no use to grant excuse or to condone such a huge delay of several years.

5.Even as per the petitioner, he was eligible to be promoted to the post of Regular Sub Inspector of Police from the year 2008. The writ petition itself was filed after a lapse of 7 years from the date of cause arose for filing of the present writ petition. This apart, the writ petition was filed at the age of 63 by the writ petitioner and after five years from the date of retirement, seeking retrospective promotion to the post of Sub Inspector of Police on regular basis.

6.This Court is not inclined to consider the petition filed by the writ petitioner. Accordingly, this writ petition is dismissed on the ground of laches. No costs.

Sd/-

Assistant Registrar

// True Copy //

Sub Assistant Registrar(CS)

To

1. The Home Secretary,
The State of Tamil Nadu,
<https://hcservices.ecourts.gov.in/hcservices/>
Fort St.George,
Chennai.



2. The Director General of Police,
DGP Office, Kamarajar Salai,
Mylapore, Chennai.

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

4. The Superintendent of Police,
District SP Office,
Tirunelveli.

+1 CC to SPL GP (SR-68881[F] dated 14/06/2019)

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