



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 02.04.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.4564 of 2015**

D.Ambrose

... Petitioner

vs.

1.The Government of Tamil Nadu,
represented 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 Commissioner of Police,
Tirunelveli City.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus directing the first and second respondents to implement the third respondent's proceedings contents in R.C.A1/4898/2014, dated 27.02.2014 about the regularization of the service seniority and further promotion with monetary benefits equal to the post of Special Sub-Inspector of Police to the petitioner.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.C.M.Marichelliah Prabhu
Additional Government Pleader

ORDER

This writ petition has been filed seeking a direction to the first and second respondents to implement the third respondent's proceedings contents in R.C.A1/4898/2014, dated 27.02.2014 about the regularization of the service seniority and further promotion with monetary benefits equal to the post of Special Sub-Inspector of Police to the petitioner.

<https://hcservices.ecourts.gov.in/hcservices/> 2.Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.



3. The case of the petitioner is that he was a retired Head Constable of Police and he retired from service on 31.03.2014. He had completed 32 years of service in the post of Head Constable. The petitioner made several representations to the respondents and finally on 10.02.2014 seeking regularization of his promotion and revise his seniority. However, the same has not been considered so far. Hence, the petitioner is before this Court by filing this writ petition.

4. According to the learned Counsel appearing for the petitioner, the third respondent sent all the papers to the second respondent, who in turn, made an endorsement in R.C.No.A1/4898/2014, dated 27.02.2014 with an observation that the petitioner is eligible to the next promotion for the post of the Special Sub-Inspector of Police, on completion of 25 years of service. Such proposal made by the second respondent was sent to the first respondent and the same is kept pending without any result. Hence, the petitioner is before this Court.

5. The third respondent has filed a counter affidavit, wherein at Paragraph No.7, it is stated as follows:

"With regard to the averments made in ground(b), of the affidavit it is humbly submitted that though the petitioner having 39 years of service in this force, he has no right to claim the promotion as Special Sub-Inspector of Police after completion as he appointed as Bugler Police Constable after relaxing his educational and physical qualifications which are basic criteria for the selection of Police Constables. Further he had not underwent basic training in the prescribed period. Hence, the contention of the petitioner is not acceptable."

In the above stated affidavit, the claim of the petitioner came to be denied.

6. Such submission made in the counter affidavit is refuted by the learned Counsel appearing for the petitioner, who invited the attention of this Court to the proposal made by the second respondent, who in turn forwarded the same to the first respondent.

7. In such view of the matter, without going into the merits of the case, the first respondent is directed to consider the representation of the petitioner dated 10.02.2014 and pass appropriate orders on merits and in accordance with law and also on the basis of the proposal sent by the second respondent, after affording an opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



8.The Writ Petition stands disposed of with the above direction. No costs.

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Sd/-

Assistant Registrar(Crl.Side)

Sub Assistant Registrar(CS)

To

- 1.The Secretary to
Home Department,
Government of Tamil Nadu,
Fort St.George,
Chennai-600 009.
- 2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai-600 004.
- 3.The Commissioner of Police,
Tirunelveli City.

+1 CC to M/s.A.RAJARAM, Advocate in SR-58400
+1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No.59116

W.P(MD) No.4564 of 2015
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