



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P(MD) No.18678 of 2017

1.D.Selvaraj
2.Palchamy
3.R.Sampathkumar
4.A.Ravindran
5.S.Ganesan

... Petitioners

vs.

The Commissioner of Police,
Madurai City Police,
Madurai.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of mandamus directing the respondent to regularize petitioners' service on the basis of the orders to similarly placed persons on the line of respondents orders in C.No.A1/34106/2014 CPO No. 403/2017 dated 17.03.2017 and C.No. B3/30231/2012 CPO No. 735/2017 dated 19-05-2017 and based on the petitioners' representation dated 19.07.2017 along with direction to the respondent to give all monetary benefits and pension benefits retrospectively.

For Petitioners : Mr.S.Muthalraj

For Respondent : Mrs.J.Padmavathy Devi
Special Government Pleader

ORDER

Seeking regularisation of their services and payment of all the monetary and pensionary benefits, the petitioners made representations dated 19.07.2017. Since the same have not been considered by the respondent, the petitioners are before this Court.

<https://hcservices.ecourt.gov.in/hcservices> the learned counsel appearing for the petitioners and the learned Special Government Pleader for the respondent.

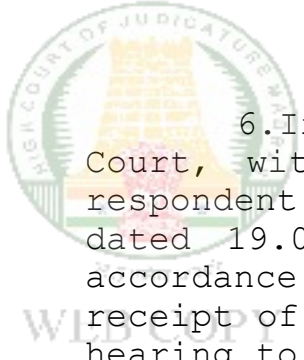


3. Upon notice, the respondent filed a detailed counter affidavit, wherein at paragraph No.6, it is averred as follows:

"6. It is submitted that the Government had introduced the scheme of upgradation of Grade II Police Constables as Grade I Police Constables and Grade I Police Constables as Head Constable during the year 1992-1993 vide G.O.Ms.No.1681, Home (Pol V) Department, dated 12.10.1992 sanctioning upgradation of 21,000 posts of Grade II Police Constable as Grade I Police Constables and 2,700 posts of Grade I Police Constables as Head Constable in four phase from 1992-93, 1993-94, 1994-95 and 1995-1996 with a view to solve the problem of stagnation to certain extent and to motivate the lower rank of Police Personnel to prepare themselves to perform their duties in a better way. Subsequently, the Government issued G.O.Ms.No.844, Home (Pol.V) Department dated 03.06.1997 ordering upgradation of Grade II Police Constables as Grade I Police constables on their completion of 10 years of service as Grade II Police Constable and Grade I Police Constable as Head Constable on their completion of 15 years of service with 5 years of service as Grade I Police Constable. In the light of direction issued in the above mentioned Government Orders, the petitioners 1 to 5 were rightly upgraded as Grade I Police Constable and Head Constable on 31.08.1994 & 31.08.1999 respectively. Thereafter, the Government issued G.O.Ms.No.937, Home (Pol.3) Department, dated 21.07.1998 ordering upgradation of Police Personnel as Special Sub Inspector of Police on their completion of total service of 25 years with 10 years of service as Head Constable by fixing crucial date as 1st June every year. Accordingly, after completing 10 years of service as Head Constable, the petitioners were upgraded as Special Sub Inspector of Police with effect from 07.01.2010 (i.e.) date of issue of the Government Order based on the delegation of powers given to the Commissioner of Police in G.O.Ms.No.15, Home (Pol.V) Department, dated 07.01.2010."

4. The learned Special Government Pleader appearing for the respondent submitted that in view of the stand taken by the respondent in the counter affidavit, the petitioners' case cannot be considered.

5. Such a stand taken by the respondent in the counter affidavit is refuted by the learned counsel appearing for the petitioners, who, in turn, submitted that the petitioners have fulfilled all the required and eligible criteria for consideration of their claim.



6. Irrespective of the submissions made on either side, this Court, without going into the merits of the case, directs the respondent to consider the representations of the petitioners dated 19.07.2017 and pass appropriate orders on merits and in accordance with law within a period six weeks from the date of receipt of a copy of this order, after affording an opportunity of hearing to the petitioners.

7. The writ petition is disposed of with the above direction. No costs.

Sd/-

Assistant Registrar ()

// True Copy //

Sub Assistant Registrar (CS)

To
The Commissioner of Police,
Madurai City Police,
Madurai.

+1 CC to M/s.SPL GP (SR-55097[F] dated 19/03/2019)

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