

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 14.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

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W.P(MD)No.3347 of 2017

A.K.Kuppusamy

... Petitioner

Vs.

1.The Secretary to Government,
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,
Trichy City, Trichy.

4.The Superintendent of Police,
Trichy District, Trichy.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of Mandamus, directing the first and second respondents to consider and pass orders on the basis of the petitioner's representation, dated 04.07.2015 for notional promotion and retirement benefits in the light of G.O.Ms.No.844, Home Department, dated 03.06.1997 and G.O.Ms.No.15, Home Department, dated 07.01.2010.

For Petitioner : Mr.N.Sudhagar Nagaraj

For Respondents : Mr.C.M.Mari Chelliah Prabu,
Additional Government Pleader.

ORDER

This writ petition has been filed seeking a direction to the first and second respondents to consider and pass orders on the basis of the petitioner's representation, dated 04.07.2015 for notional promotion and retirement benefits.

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



3.The case of the petitioner is that he joined the services of the Tamil Nadu Police as Police Constable on 11.03.1976 and was promoted as Special Sub-Inspector of Police and he retired from service on attaining the age of superannuation on 31.05.2011.

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4.According to the petitioner, in **W.A(MD)No.1506 of 2011 batch etc., (The Government of Tamil Nadu, rep. by its Home Secretary and others Vs. V.Samy and others)**, the Division Bench of this Court has held that all the Police Personnel, who had completed 25 years of service, are entitled for upgradation as Special Sub-Inspectors of Police and similar order has also been passed in Review Application Nos.10 to 12 of 2013 in W.A.Nos.361, 364 and 367 of 2013 and the said Judgment was also put to challenge before the Hon'ble Supreme Court in SLP(C)Nos.9754 - 9756 of 2014 and vide order, dated 17.07.2014, the SLPs were dismissed and the said orders were also implemented by the District Police Officer, Tirunelveli, vide proceedings, dated 26.03.2015 in D.O.No.326 of 2015 - C.No.A2/58801/2014 and since the petitioner is similarly placed, he came forward with the present Writ Petition for the aforesaid relief.

5.Upon notice, the third respondent filed a counter affidavit stating that the petitioner is not entitled for such relief, which is refuted by the learned counsel for the petitioner.

6.Considering the facts and circumstances of the case and taking note of the submissions made by the parties, this Court, without going into the merits of the petitioner's claim, directs the second respondent to consider the representation of the petitioner, dated 04.07.2015 seeking notional promotion and retirement benefits, in the light of the above said orders passed by this Court and the Hon'ble Supreme Court as well as the order of the District Police Officer, Tirunelveli, vide proceedings, dated 26.03.2015 in D.O.No.326 of 2015 - C.No.A2/58801/2014, and pass appropriate orders, on merits and in accordance with law, after affording due opportunity of hearing to the petitioner. Such an exercise shall be completed within a period of eight weeks from the date of receipt of a copy of this order.

7.With the above direction, this Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

/ True Copy /

Sub Assistant Registrar(CS)



To

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

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

3.The Commissioner of Police,
Trichy City, Trichy.

4.The Superintendent of Police,
Trichy District, Trichy.

+1CC to Mr.N.SUDHAGAR NAGARAJ,Advocate(SR-54124[F] dated 14/03/2019)

+1 CC to M/s.SPL GP (SR-54757[F] dated 18/03/2019)

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ps

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