



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.03.2019

CORAM:

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P. [MD] No.2359 of 2016

M.K.Sethuraman

: 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-4.

3.The Inspector General of Police,
South Zone,
Madurai.

4.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.

5.The Superintendent of Police,
Theni District.

: Respondents

PRAYER: Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Mandamus, directing the second and third respondents to give the notional promotion for the post of Inspector of Police and give the monetary benefits and equal pension from the panel list prepared by the fifth respondent on the basis of the petitioner's representation dated 17.12.2015.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.C.M.Mari Chellaiah Prabhu,
Additional Government Pleader



O R D E R

The prayer in the Writ Petition is to direct the second and third respondents to give notional promotion for the post of Inspector of Police and give the monetary benefits and equal pension, by considering the petitioner's representation dated 17.12.2015.

2. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing on behalf of the respondents.

3. The case of the petitioner is that seeking notional promotion for the post of Inspector of Police and other reliefs connected therewith, the petitioner made a representation dated 17.12.2015 and claiming that the same has not been considered so far, he has filed the present Writ Petition.

4. The fifth respondent filed a counter-affidavit denying the averments made in the affidavit filed in support of the Writ Petition, wherein, at paragraph No.9, it was stated as follows:

"With regard to the averments made in para 5 of the affidavit, it is submitted that the petitioner was included in the "C" list of Head Constables (Local) fit for promotion as Sub-Inspector of Police (Local) for the year 2002 in Sl.No.27 and promoted as Sub-Inspector of Police w.e.f. 01.06.2004 as per the rules in force. Further the petitioner's name was included and recommended for the inclusion in the "C" list of Sub-Inspectors of police (Taluk) fit for promotion as Inspector of Police (Taluk) for the panel year 2013-2014 among 40 others of Dindigul Range. But not reached the promotion list and he was retired on superannuation on 28.02.2014 AN. Hence, he was not promoted as Inspector. It is also submitted that the promotion to the rank of Sub-Inspector of Police will be given, by conducting Range Promotion Board only. Hence, he should not compare with others who are not serving with him in same Range (ie.) Dindigul Range."

5. Such statement made in the counter-affidavit of the fifth respondent is refuted by the learned counsel for the petitioner.

6. In view of the above, without going into the merits of the claim made by the petitioner, this Court directs the respondents to consider the representation of the petitioner dated 17.12.2015 and pass appropriate orders on merits and in accordance with law, after affording due opportunity of hearing to the petitioner, within a period of eight weeks from the date of receipt of a copy of this order.



7. The Writ Petition is disposed of with the above direction.
No costs.

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/ True Copy /

Sd/-

Assistant Registrar

Sub Assistant Registrar (CS)

SML

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-4.

3. The Inspector General of Police,
South Zone,
Madurai.

4. The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.

5. The Superintendent of Police,
Theni District.

+1 CC to M/s.A.RAJARAM, Advocate (SR-56708[F] dated 26/03/2019)

+1 CC to M/s.SPL GP (SR-57095[F] dated 27/03/2019)

Order made in
W.P. [MD] No. 2359 of 2016
Dated: 26.03.2019

ES/22.04.2019/3P/8C