



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.11.2019

CORAM

THE HONOURABLE MR.JUSTICE **S.S.SUNDAR**

W.P.(MD)No.14781 of 2014

K.Kingsly Dev Anand

... Petitioner

vs.

1.The Secretary to the Government,
Home and Police Department,
Secretariat, Chennai -9.

2.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai.

3.The Superintendent of Police,
Tuticorin District, Tuticorin.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, to call for the records on the file of the second respondent pertaining to its order bearing ROC No.204179/NGB1(2)/2013, dated 26.04.2014 and quash the same and consequently, to direct the respondents to grant accelerated promotion to the petitioner within a time frame that may be stipulated by this Court.

For Petitioner :Mr.J.Ashok

For Respondents : Mr.R.Murugan

Additional Government Pleader

ORDER

This Writ Petition is filed for issuing a Writ of Certiorarified Mandamus, to quash the order of second respondent, dated 26.04.2014 rejecting the petitioner's request for accelerated promotion and subsequently, to direct the respondents to grant accelerated promotion to the petitioner.

2.It is admitted before this Court by virtue of G.O.Ms.No.468, dated 19.03.1996, a Board, consisting of Secretary of Government, Home Department, and five others, was constituted for the purpose of considering accelerated promotion for professional achievements and sports achievements. Taking credit to the encounter of a notorious and powerful rowdy in Chennai, the petitioner has applied for accelerated promotion. His request for accelerated promotion was declined by the second respondent, by order, dated 07.10.2013, which is impugned in the present writ petition.

3.From the reading of impugned order, the Director General of



Police of Tamil Nadu has rejected the request of the petitioner by stating that the petitioner's case is not fit enough to consider accelerated promotion. Challenging the order of second respondent, the above writ petition is filed.

4.The petitioner contended that the order itself has been passed by the Director General of Police, Tamil Nadu in his individual capacity without placing the papers before the Board, as it was constituted by the Government. Though the learned Counsel for the petitioner challenged the reasons of the second respondent while rejecting the request of petitioner for accelerated promotion, this Court is not inclined to go into the matter on merits. However, the impugned order is liable to be quashed for the simple reasons that the petitioner's request ought to have considered by the Board, as per Government Order in G.O.(Ms).No.468, dated 19.03.1996.

5.The learned Counsel for the petitioner also pointed out that though G.O.(Ms).No.468, was subsequently superseded by other Government Orders, the accelerated promotion for professional achievement still continuous and the Board has now been reconstituted under the headship of Principal Secretary to Government. In the said circumstances, this Court is inclined to allow this writ petition.

4.Accordingly, this Writ Petition is allowed and the impugned order passed by the second respondent, dated 26.04.2014 is quashed. The petitioner's representation/request for granting accelerated promotion is directed to be placed before the Board that has now been constituted as per G.O.Ms.No.805, dated 07.10.2013. The Board should consider the petitioner's application for awarding accelerated promotion, after giving an opportunity to the petitioner to substantiate his credentials. Such exercise shall be done within a period of three months from the date of receipt of a copy of this order. No costs.

Sd/-

Assistant Registrar (CO)

// True Copy //

Sub Assistant Registrar(CS)

To

1.The Secretary to the Government,
Home and Police Department,
Secretariat, Chennai -9.

<https://hcservices.ecourts.gov.in/hcservices/>



2.The Director General of Police,
Tamil Nadu Police Department,
Mylapore, Chennai.

3.The Superintendent of Police,
Tuticorin District, Tuticorin.

WEB COPY

+1 CC to M/s.J.ASHOK, Advocate (SR-97789[F] dated 13/11/2019)

+1 CC to M/s.SPL GP (SR-97731[F] dated 12/11/2019)

W.P. (MD) No.14781 of 2014
11.11.2019

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