

THE HON'BLE SRI JUSTICE ABHINAND KUMAR SHAVILI

WRIT PETITION No.42342 of 2017

ORDER:

This Writ Petition is being disposed of at the admission stage with the consent of both the parties.

This Writ Petition is filed for the following relief:

“.....Writ of Mandamus declaring that the petitioner is entitled to be considered and promoted as Additional Superintendent of Police (Civil) with all consequential benefits on par with his juniors and subsequent appointees in Deputy Superintendent of Police (Civil) category basing on the placement assigned to him in the final seniority list of Deputy Superintendents of Police (Civil) communicated vide G.O.Ms.No.108 dated 23-06-2014 and the revised provisional seniority list prepared up to 01-06-2014 duly holding the action of the 1st and 2nd respondents denying consideration and promotion to the petitioner to the post of Additional Superintendent of Police (Civil) while promotion juniors and subsequent appointees whose names do not find place in either of the aforementioned seniority lists as Additional Superintendents of Police (Civil) as being arbitrary, illegal, erroneous contrary to the provisions of Rule 33© of the T.S.State & Subordinate Service Rules, 1996 and in violation of Articles 14 and 16 of the Constitution of India.....”

Heard Sri V.Ravichandran, learned counsel for the petitioner and the learned Special Government Pleader for Services (Home).

It has been contended by the petitioner that though he was fully eligible and qualified for promotion to the post of Additional superintendent of Police (Civil), the respondents have

not considered his case for promotion to the said category. During the pendency of the writ petition, the petitioner has retired from service and after retirement of petitioner, the respondents have issued revised final seniority list of Deputy Superintendent of Police (Civil) vide G.O.Ms.No.174 Home (Services-I) Department dated 06.11.2018. The petitioner further contends that as per the revised final seniority list, he is fully eligible and qualified for promotion to the post of Deputy Superintendent of Police and, as such he is entitled for all the benefits including fixation of pension in the category of Additional Superintendent of Police consequent to notional seniority assigned in the cadre of Deputy Superintendent of Police.

Learned counsel for the petitioner contends that appropriate orders be passed in the writ petition directing the respondents to consider the case of the petitioner for notional promotion to the post of Additional Superintendent of Police in terms of the final seniority list issued vide G.O.Ms.No.174, dated 06.11.2018.

Learned Special Government Pleader for respondents contends that the case of the petitioner would be considered if he is found to be eligible for promotion to the cadre of Additional Superintendent of Police strictly in terms of final seniority list as per G.O.Ms.No.174 dated 06.11.2018.

This Court, having considered the rival submissions made by the learned counsel on either side, is of the considered view

that this Writ Petition can be disposed of directing the respondents to consider the case of the petitioner for the notional promotion as Additional Superintendent of Police if he is otherwise found to be eligible, strictly in terms of the final seniority list issued vide G.O.Ms.No.174 dated 06.11.2019 and pass appropriate orders in accordance with law.

With the above observations, the Writ Petition is disposed of. No order as to costs.

As a sequel, the miscellaneous petitions pending, if any, shall stand closed.

ABHINAND KUMAR SHAVILI, J

18.06.2019
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