

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.08.2020

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THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.Nos.11195 to 11198 of 2013

D.Selvam ... Petitioner in W.P.No.11195/2013
K.Annamalai ... Petitioner in W.P.No.11196/2013
Y.Anandaraj ... Petitioner in W.P.No.11197/2013
M.Durairaj ... Petitioner in W.P.No.11198/2013

.Vs.

1. State of Tamilnadu
Rep. by its Secretary to Government,
Home Department,
Chennai - 600 009.
2. The Director General of Police,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Vellore District,
Vellore - 632 009. ... Respondents in all the W.Ps.

Prayer in W.P.No.11195 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pass appropriate final orders according notional promotion to the petitioner as Inspector of Police with effect from 31.12.1999 with all attendant and consequential benefits reflecting in his pension within a time frame fixed by this Hon'ble Court.

Prayer in W.P.No.11196 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents to pass appropriate final orders according notional promotion to the petitioner as Inspector of Police with effect from 01.11.1998 with all attendant and consequential benefits reflecting in his pension within a time frame fixed by this Hon'ble Court.

Prayer in W.P.No.11197 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the 3rd respondent in Na.ka.A2(1)/835/05/051399/2012 dated 12.12.2012 and quash the same and consequently, direct the respondents to pass appropriate final orders according notional promotion to the petitioner as Inspector of Police with effect from 01.10.2000 with all attendant and consequential benefits reflecting in his pension within a time frame fixed by this Hon'ble Court.

Prayer in W.P.No.11198 of 2013:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus to call for the entire records connected with the impugned order passed by the 3rd respondent in Na.ka.A2(1)/787/04934/2012 dated 12.12.2012 and quash the same and consequently, direct the respondents to pass appropriate final orders according notional promotion to the petitioner as Inspector of Police with effect from 15.07.2000 with all attendant and consequential benefits reflecting in his pension within a time frame fixed by this Hon'ble Court.

For Petitioners : Mr.S.Sathia Chandran
For Respondents : Mr.S.Thangavel
Special Government Pleader

C O M M O N O R D E R

The petitioners have filed these writ petitions seeking to accord notional promotion to the petitioners as Inspector of Police with all attendant and consequential benefits reflecting in their pension within a time frame.

2.The case of the petitioners is that the petitioners joined the service of the Department of Police as Grade II Police Constable and they were promoted as Grade I Police Constable and they retired as Head Constable after serving for more than 39, 39, 37 and 39 years respectively. The grievance of the petitioners is that if they were given promotion as per G.O.Ms.No.844, Home (Police V) Department, dated 03.06.1997 and G.O.Ms.No.13, Home (Police V) Department, dated 06.01.2010, they would have retired from service as Inspector of Police. The petitioners made memorandum/ representation to the respondents seeking notional promotion as Inspector of Police with all attendant and consequential benefits, however, their requests were not considered. Hence, these writ petitions.

3.The learned counsel appearing for the petitioners would

submit that if the petitioners were given promotion as per G.O.Ms.No.844, Home (Police V) Department, dated 03.06.1997 and G.O.Ms.No.13, Home (Police V) Department, dated 06.01.2010, they would have been given promotion: as Grade I Police Constable after completion of 10 years of service in the feeder cadre; as Head Constable after completion of 5 years of service as Grade I Police Constable; as Special Sub Inspector of Police after completion of 10 years of service as Head Constable; and as Inspector of Police after completion of 10 years of service as Special Sub Inspector of Police.

4.The learned counsel appearing for the petitioners would further submit that since promotions were not given to the petitioners as per the above said Government Orders, the petitioners retired as Head Constable after serving for more than 39, 39, 37 and 39 years respectively. Hence, this Court may issue direction to the respondents to consider the memorandum/ representation of the petitioners seeking notional promotion as Inspector of Police with all attendant and consequential benefits and to pass orders, within a reasonable time frame.

5.The learned Special Government Pleader has no serious objection for this Court issuing such a direction.

6.In view of the above, this Court directs the respondents to consider the memorandum/ representation of the petitioners seeking notional promotion as Inspector of Police with all attendant and consequential benefits and pass appropriate orders, on merits and in accordance with law, within a period of six months from the date of receipt of a copy of this order. The petitioners are directed to send a copy of the memorandum/ representation to the respondents along with a copy of this order, so as to enable the respondents to pass appropriate orders.

7.These writ petitions are accordingly disposed of. No costs. Consequently, the connected miscellaneous petition, if any, is closed.

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Assistant Registrar

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Sub Assistant Registrar

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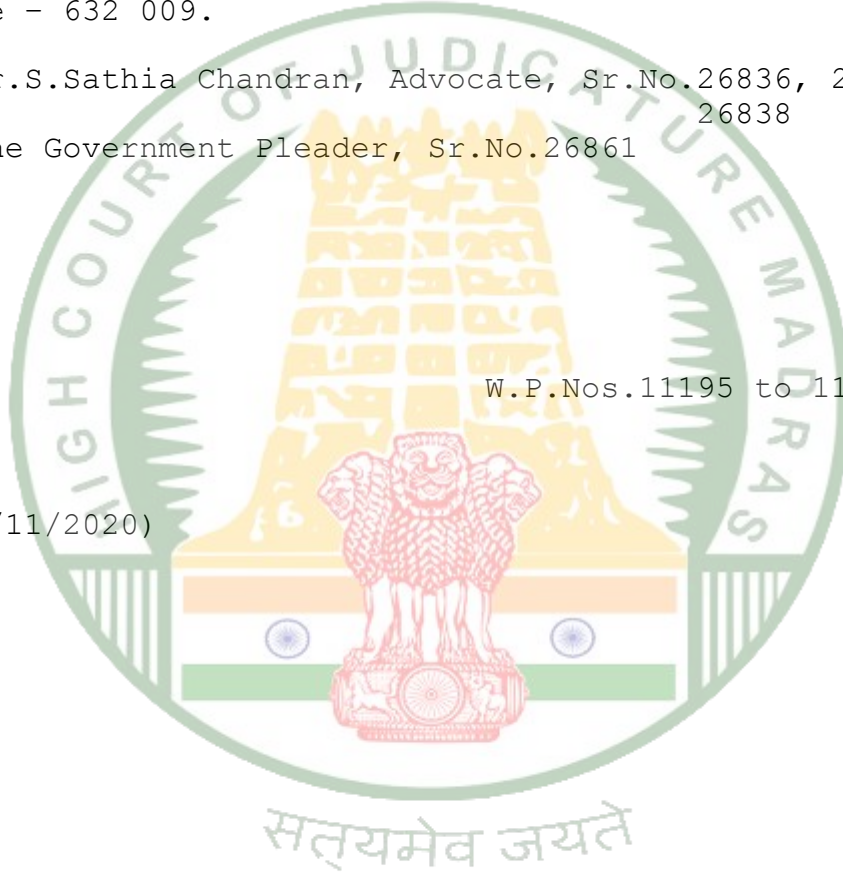
1. The Secretary to Government,
Home Department,
Chennai - 600 009.
2. The Director General of Police,
Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Vellore District,
Vellore - 632 009.

+3cc to Mr.S.Sathia Chandran, Advocate, Sr.No.26836, 26837 &
26838

+1cc to the Government Pleader, Sr.No.26861

W.P.Nos.11195 to 11198 of 2013

sr (co)
rr ii (02/11/2020)



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