

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE :02.09.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO. 15404 OF 2013

I.Panneer Selvam

.. Petitioner

- Vs -

1. Government of Tamil Nadu
Rep. By the Secretary to Government,
Home (Police) Department,
Secretariat, Chennai 600 009.
2. The Director General of Police,
Tamil Nadu, Chennai 600 004.
3. The Inspector General of Police,
North Zone, Chennai 600 016.
4. The Deputy Inspector General of Police
Kancheepuram Range,
Kancheepuram.
5. The Superintendent of Police,
Kancheepuram District,
Kancheepuram.

...Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ Mandamus, directing the respondents to fix the seniority of the petitioner on par with his junior, Thiru. Panneerselam, SSI (Retd.) with effect from 13.08.1982 as Police constable, Grade I and from 12.10.1982 as Police Constable, Grade I and from 12.10.1987 as Head Constable and to grant consequently service and monetary benefits such as notional promotion and higher pensionary benefits.

For Petitioner : M/S.Priya Ravi.

For Respondents: Mr.A.N.Thambidurai,
Spl.G.P. For RR1 to 3

ORDER

The writ petition has been filed by the petitioner, to direct the respondents to fix the seniority of the petitioner

on par with his junior, Thiru. Panneerselam, SSI (Retd.) with effect from 13.08.1982 as Police constable, Grade I and from 12.10.1982 as Police Constable, Grade I and from 12.10.1987 as Head Constable and to grant consequently service and monetary benefits such as notional promotion and higher pensionary benefits.

2.The case of the petitioner is that the petitioner was appointed as Gr.II PC on 14.12.1970 and he was promoted to the post of Gr.I.PC and Head Constable with effect from 17.01.1983 and 29.08.1994, respectively and subsequently the date of up gradation of Head Constable was modified as 19.01.1994 instead of 29.08.1994. The grievance of the petitioner is that he was included in the promotion list of Gr.I Police Constable during the year 1980, when the panel was prepared, though his batch mate, one Tr.Pachiyappan, was shown below the petitioner, however, later in the panel for the year 1981, the name of the said Pachaiyappan was shown above the petitioner. In this regard, the petitioner made several representations and the Superintendent of Police, Kancheepuram district the 5th respondent herein by his letter dated 31.08.2012, has addressed to the Deputy Inspector General of Police, Kancheepuram Range the 4th respondent herein has recommended his claim and thereafter the inspector General of Police the 3rd respondent herein, forwarded the same to the 2nd respondent in his letter dated 28.11.2012. However, till date no final order was passed. Hence the present writ petition was filed with the above said prayer.

3.Learned counsel appearing for the petitioner reiterated the submissions shown in the affidavit filed in support of the writ petition and contended that though the proposal was forwarded by the Superintendent of Police to the competent authority namely the Director General of Police, however the competent Authority has not passed final orders on the proposal as forwarded by the authorities. Hence he prays that it would suffice if this Court issues a direction on the 1st and 2nd respondents to pass final orders on the proposal dated 28.11.2012, within a reasonable time as fixed by this Court.

4.Learned Special Government Pleader appearing for the official respondents, has no serious objection to the passing of an order as sought for. Based on the counter affidavit filed by the respondents, he submitted that the proposal was forwarded to the competent Authority and orders are awaited on the proposals.

5.This Court heard the submissions advanced by the learned counsel appearing on either side and also perused the materials available on record.

6. On perusal of the affidavit as well as counter affidavit, it reveals that the facts in the case are not disputed. Admittedly the petitioner is senior to Tr. Pachiappan and his request for advancement of date of promotion as Gr. I. Police Constable / Head Constable is a genuine one. In this regard necessary proposals were also sent to the Competent authority namely the Director General of Police, Kanchipuram Range vide letter dated 03.12.2010 and 26.09.2012 with regard to promotion as SSI. It is to be pointed out that the Government is the Competent Authority to accord to promotion to the post of SSI. Hence the request of the petitioner to fix his seniority on par with Tr. Pachiappan, SSI (Retd) with effect from 13.08.1982 as Gr. I PC and as HC with effect from 12.10.1987 respectively has to be considered by the competent authority.

7. In such view of the above fact, without going into the factual matrix any further, I am inclined to issue a direction to the 1st and 2nd respondents to pass appropriate final orders on the proposal dated 28.11.2012, within a period of 3 months from the date of receipt of copy of this order.

8. With the above direction, this writ petition is disposed off. However, there shall be no order as to costs.

s/d-
Assistant Registrar

True Copy

Sub-Assistant Registrar

jrs
To

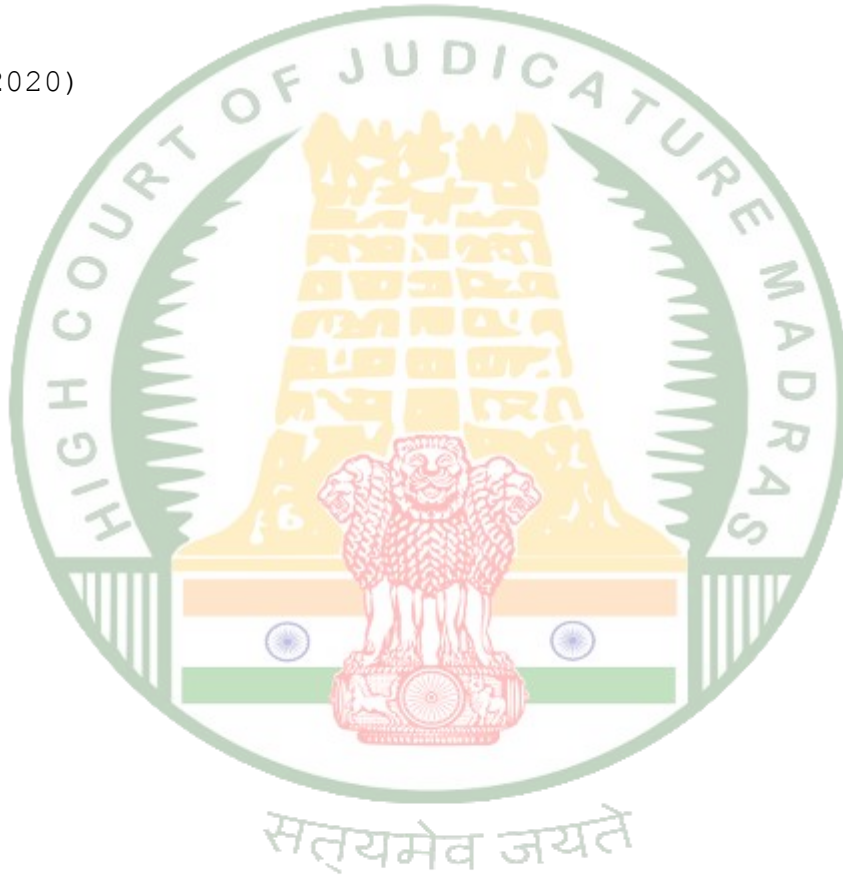
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+1 CC to The Govt. Pleader sr 28838.

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SSD(CO)
SP(28/10/2020)



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