

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition No.411 of 2010

N.Suresh

...Petitioner

Vs

1. The Director General of Police,
Tamil Nadu, Chennai-600 004.

2. Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George, Chennai.

...Respondents

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, calling for the records on the file of the 2nd respondent dated 4.11.2009 in R.C.No.130499/NGB/1(2) 2009 and quash the same and direct the 2nd respondent to include the name of the petitioner N.Suresh, Sub-Inspector of Police (Armed Reserve), Coimbatore City in the 'C' List of Inspector of Police (Armed Reserve) fit for promotion as Inspector of Police (Armed Reserve) for the year 2007-08 along with all monetary benefits and continuity of service.

For Petitioner : Mr.A.S.Balaji
for M/s.Thenmozhi

For Respondents : Ms.Thangavadhana Balakrishnan
Addl. Government Pleader

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O R D E R

Challenging the order of the 2nd respondent dated 4.11.2009 in R.C.No.130499/NGB/1(2) 2009, to quash the same with a consequential direction, directing the 2nd respondent to include the name of the petitioner N.Suresh, Sub-Inspector of Police (Armed Reserve), Coimbatore City in the 'C' List of Inspector of Police (Armed Reserve) fit for promotion as

Inspector of Police (Armed Reserve) for the year 2007-08 along with all monetary benefits and continuity of service, the present Writ Petition has been filed.

2. Learned Counsel for the petitioner submitted that the petitioner was enlisted as Police Constable on 25.10.1984 by the Director General of Police, Tamilnadu, the 2nd respondent herein in Na.Ka.No.3168/84 and subsequently, he was promoted as Head Constable on 4.3.1990. Thereafter, he took part in the Range Promotion Board and came out successful. Therefore, his name was included in the 'C' List of Head Constables (Armed Reserve) fit for promotion as Sub-Inspector of Police (Armed Reserve) at Sl.No.26(A) and placed between Devaraj, Head Constable 8381 and T.Vijayakumar, Head Constable 8869. He was also promoted as Sub-Inspector of Police (Armed Reserve) w.e.f. 14.8.2000 and posted to Chennai City. Thereafter, he was transferred from Chennai City and posted to Coimbatore City. His name was also recommended for inclusion in the 'C' List of Sub-Inspector of Police (Armed Reserve) fit for promotion as Inspector of Police (Armed Reserve) for the panel year 2008-2009. Since he has not been considered for promotion to the post of Inspector of Police, he has been advised to come to this Court by filing the present Writ Petition.

3. The learned Counsel for the petitioner further submitted that when the juniors of the petitioner were all given promotion to the post of Inspector overlooking the petitioner, the respondents should be directed to give promotion to the petitioner on par with his juniors.

4. Opposing the above contentions, a counter affidavit has been filed by the respondents.

5. Learned Additional Government Pleader appearing for the respondents submitted that the petitioner was promoted as Head Constable on 04.03.1990 from Grade II Police Constable. Thereafter, he was further promoted as Sub-Inspector of Police (Armed Reserve) w.e.f. 14.08.2000. After he came to the post of Sub-Inspector of Police, the next promotional post is Inspector of Police which would be considered only on the basis of the Statewide seniority among the Sub-Inspectors of Police. Since neither the petitioner nor his juniors has reached the zone of consideration for promotion as Inspector (Armed Reserve) for the panels of 2007-2008 and 2008-2009, it is not open to the petitioner to canvass before this Court that his juniors were given promotion. If his juniors were given promotion, the petitioner should have come to this Court with the names of such juniors. In the present case, there was no junior of the petitioner was given promotion at any point of time. Therefore, the present Writ Petition is liable to be dismissed.

6. I find some merit in the submissions of the learned Additional Government Pleader appearing for the respondents. The reason being that when the petitioner was promoted as Head Constable on 04.03.1990 from Grade II Police Constable and further promoted as Sub-Inspector of Police (Armed Reserve) w.e.f. 14.08.2000, his next avenue of promotion is Inspector of Police. According to the respondents, it would be considered only on the basis of the Statewide seniority among the Sub-Inspectors of Police. Further, since the petitioner herein or his juniors were not reached the zone of consideration for promoting them as Inspector (Armed Reserve) in the panels of 2007-2008 and 2008-2009, they have not been considered. Though it is contended by the learned Counsel for the petitioner that the juniors of the petitioner have been given promotion as Inspectors of police, the petitioner has not mentioned the names of his juniors who were given promotion as Inspectors of Police. Therefore, when the petitioner has not substantiated his case by showing the names of the juniors who were given promotion as Inspectors overlooking him, I find no merit in the Writ Petition.

7. In the result, the Writ Petition fails and the same is accordingly dismissed. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Director General of Police,
Tamil Nadu, Chennai-600 004.
2. Home Secretary,
Government of Tamil Nadu,
Secretariat,
Fort St. George, Chennai.

+1cc to the Government Pleader, S.R.No.19763

W.P.No.411 of 2010

PP(CO)
KKV/18/06/2020