

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE : 08.12.2020

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THE HONOURABLE MR. JUSTICE M.DHANDAPANI

W.P. NO.26780 of 2013

1.V.Balasubramanian
2.S.Balasubramanian
3.Jayachandran ... Petitioners

- Vs -

1.The State of Tamil Nadu,
Rep. By Principal Secretary to Government
Home (Police 1A) Dept.,
Fort. St. George, Chennai -9
2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 4
3.The Secretary,
Tamilnadu Public Service Commission,
Chennai 1 ... Respondents

Writ petition filed under Article 226 of the Constitution of India praying this Court to issue a writ of Mandamus, directing the respondents to fix the seniority to all the petitioners from the date of awarding gallantry award in G.O.Ms.No.942, Home (SC) Department dated 30.10.2002 for further promotion by advancing the date of this accelerated promotion of the petitioners in pursuance of Government order in G.O.Ms.NO.1359, Home (Pol.II) Department dated 06.12.2004 from 16.02.2005 to 03.10.2002 by granting necessary relaxation to the Rules and grant them all consequential service and monetary benefits and grant such other further relief.

For Petitioners : Mr.K.Venkatramani, SC for
M/S. M.Muthappan.

For Respondent : Mr.A.N.Thambidurai,
Spl.G.P., for RR1-2
:Mr.Karthikrajan for R3.

ORDER

The writ petition has been filed by the petitioner, to direct the respondents to fix the seniority to all the petitioners from the date of awarding gallantry award in G.O.Ms.No.942, Home (SC) Department dated 30.10.2002 for further promotion by advancing the date of this accelerated promotion of the petitioners in pursuance of Government order in G.O.Ms.NO.1359, Home (Pol.II) Department dated 06.12.2004 from 16.02.2005 to 03.10.2002 by granting necessary relaxation to the Rules and grant them all consequential service and monetary benefits and grant such other further relief.

2. When the matter is taken up for hearing, learned counsel for the petitioner submitted that though the petitioners are entitled to get accelerated promotion from 03.10.2002 the date on which their services have been regularised, even though the order of accelerated promotion was passed only in G.O.Ms.No.1352, Home (Pol.II) Dept dated 06.12.2004. It is submitted that even though the petitioners assumed office on 16.02.2005 as Deputy Superintendent of Police and as Inspector of Police on accelerated promotion, however they are entitled to get their accelerated promotion from 03.10.2002, the date on which G.O.Ms.No.942, Home (SC) Department was issued by the Government. In order to avail such benefits, the petitioners made a representation dated 24.03.2013 to the respondents to promote them as Additional Superintendent of Police in the panel for the year and by getting relaxation from Tamil Nadu Public Service Commission, for which there is no response. Hence, the writ petition.

3. On the above contention, this Court heard the learned Special Government Pleader appearing for the respondent, who submitted that though the petitioners sent a copy of the letter, however, no acknowledgement is available as to its receipt and, therefore, it would suffice, if this court may direct the petitioners to send a copy of the representation along with the copy of this order to enable the respondents to pass appropriate orders.

4. In such view of the matter, without expressing any opinion on the merits of the issue, this Court permits the petitioner to send a copy of the representation dated 24.03.2013, along with a copy of this order to the respondents within a period of 2 weeks from the date of receipt of a copy of this order and on the submission of such representation, the 1st respondent is directed to consider the same and pass appropriate orders thereon in accordance with law, within a period of three months thereafter.

5.With the above direction, this Writ petition is disposed of. There shall be no order as to costs.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

To

- 1.The Principal Secretary to Government,
State of Tamil Nadu,
Home (Police 1A) Dept.,
Fort. St. George, Chennai -9.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai 4.
- 3.The Secretary,
Tamilnadu Public Service Commission,
Chennai 1.

+1cc to the Special Government Pleader Sr.39826
+1cc to M/s.M.Muthappan, Advocate Sr.40036

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srg 09/02/2021

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