

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.07.2020

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.No.3389 of 2013

P.Pandian

... Petitioner

Vs.

1.State of Tamil Nadu represented by its
Secretary to Government,
Home (Police) Department,
Fort St.George,
Chennai - 600 009.

2.Director General of Police,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Greater Chennai Police,
Egmore, Chennai - 600 008.

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorarified Mandamus calling for the records comprised in R.C.No.269744/NGB.V(2)/2011, dated 12.10.2011 on the file of the second respondent, quash the same and consequently direct the respondents to include the name of the petitioner in the 'C' list of Head Constables (Armed Reserve) for promotion of Sub-Inspector of Police (Armed Reserve) for the year 1991-1992 and also grant consequential promotions as Inspector of Police and Deputy Superintendent of Police by invoking the rule of exemption as provided under Rule 39 of the Special Rules for Tamil Nadu Police Subordinate Service.

For Petitioner : Mr.R.Bharanidharan

For Respondents : Mr.J.Ramesh

AGP

O R D E R

The petitioner has filed this writ petition seeking issuance of Writ of Certiorarified Mandamus calling for the records comprised in R.C.No.269744/NGB.V(2)/2011, dated 12.10.2011 on

the file of the second respondent, to quash the same and to consequently direct the respondents to include the name of the petitioner in the 'C' list of Head Constables (Armed Reserve) for promotion of Sub-Inspector of Police (Armed Reserve) for the year 1991-1992 and also to grant consequential promotions as Inspector of Police and Deputy Superintendent of Police by invoking the rule of exemption as provided under Rule 39 of the Special Rules for Tamil Nadu Police Subordinate Service.

2. Heard the arguments advanced on either side.

3. The case of the petitioner is that the petitioner joined the services of the Police Department as Constable on 01.08.1984 and was posted as Constable in the Armed Reserve Wing, Chennai. He was further promoted as Head Constable in the Armed Reserve Wing with effect from 19.05.1987. The petitioner was further promoted as temporary Sub-Inspector of Police during the year 2005. According to the petitioner, he is eligible to be promoted to the post of Deputy Superintendent of Police/ Assistant Commissioner of Police. The petitioner also made representation in this regard to the second respondent and since the said representation was rejected, has come forward with this writ petition.

4. The learned counsel appearing for the petitioner would submit that the Government issued G.O.(Ms.) No.1055 Home (Police.III) Department dated 01.11.2006, scrapping of range promotion board tests conducted to the Head Constables for promotion as Sub-Inspectors and thereafter the promotions were made based upon the seniority. Accordingly, those persons who have been appointed as Constables in the Police Department from the year 1984-1986 were promoted as Head Constables and those persons not being promoted as Sub-Inspectors after completion of four years of service as Head Constable were notionally promoted as Sub-Inspectors by exercising Rule 39 of the Tamil Nadu Police Subordinate Service Special Rules relaxing Rule 3(D) (III) of the Tamil Nadu Police Subordinate Service Special Rules. However, the petitioner was not considered for promotion inspite of making representation to the second respondent.

5. The learned counsel appearing for the petitioner would further submit that earlier similarly situated persons like the petitioner filed writ petition in W.P.No.25043 of 2002 and the Hon'ble Division Bench of this Court vide order dated 18.09.2007 directed the Official respondents therein to consider the date of recruitment as the basis for fixing seniority and effect promotion and to include the names of the petitioners therein in the 'C' list and to give promotions to them. Accordingly, the petitioners therein were given promotions.

6.The learned counsel appearing for the petitioner would further submit that the petitioner made representation to the second respondent to consider his name for promotion to the post of Deputy Superintendent of Police/ Assistant Commissioner of Police. However, his request was rejected.

7.The learned counsel appearing for the petitioner would further submit that the petitioner retired during the year 2018, however, without going into the merits of the case, this Court may permit the petitioner to make representation to the second respondent to consider his promotions on par with the other similarly situated persons.

8.In view of the limited prayer now sought for by the learned counsel appearing for the petitioner, this Court permits the petitioner to make representation to the second respondent within a period of two weeks from the date of receipt of a copy of this order. If any such representation is received, the second respondent shall consider the same and pass appropriate orders on merits and in accordance with law, within a period of six months thereafter.

9.The writ petition is accordingly, disposed of. No costs. Consequently, connected miscellaneous petition, if any, is closed.

-s/d-

Assistant Registrar (CS-I)

True Copy

Sub-Assistant Registrar

To

1.The Secretary to Government,
Home (Police) Department,
Fort St.George,
Chennai - 600 009.

2.The Director General of Police,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Greater Chennai Police,
Egmore, Chennai - 600 008.

rsv(co)
krd 5/8

W.P.No.3389 of 2013