

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 02-01-2020
CORAM

THE HON'BLE MR.JUSTICE N.ANAND VENKATESH

W.P.NO.35654 OF 2019

S.Anbalagan

... Petitioner

-Vs-

The Director General of Police,
Tamil Nadu, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

... Respondent

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider and pass orders on the petitioner's representation dated 19.11.2019 claiming upgradation by revision of his seniority as directed in the case of Tr.Thangapandian & two others by this Court and promote the petitioner as Sub-Inspector of Police from the date of such promotion of his immediate juniors within a reasonable time.

For Petitioner : Mr.M.Muthappan
For Respondent : Mrs.K.Bhuvaneswari
Additional Government Pleader

O R D E R

By consent of both parties, this writ petition is taken up for final disposal at the admission stage itself.

2.This writ petition has been filed for issuance of Writ of Mandamus directing the respondents to consider the representation made by the petitioner on 19.11.2019 and pass orders within a time fixed by this Court.

3.The case of the petitioner is that he joined as a Grade-II Police Constable in the year 1982 and he was up-graded as Grade-I Police Constable with effect from 19.12.1992. The petitioner was further up-graded as a Head Constable with effect from 19.12.1997. The petitioner became a Special Sub-Inspector on 01.08.2010 with retrospective effect from 19.12.2007. The grievance of the petitioner is that similarly placed persons had approached this Court and their claims were considered and they were ordered to be up-graded before the completion of 25 years of service.

4.The petitioner wanted himself to be given the same relief and therefore he made a representation to the Superintendent of Police, Pudukkottai District on 18.06.2015. This representation came to be rejected by the Superintendent of Police, Pudukkottai, by an order dated 11.07.2016. This order was never challenged and it became final. The petitioner was thereafter promoted as Sub-Inspector of Police based on his seniority in the year 2018. The petitioner gave a representation to the Director General of Police on 19.11.2019, requesting to consider his claim which was rejected by the Superintendent of Police, Pudukkottai. Since the same was not considered, the present writ petition has been filed before this Court.

5.Heard the learned counsel on either side and perused the materials available on record.

6.The prayer sought for by the petitioner cannot be granted by this Court. The fact remains that the claim made by the petitioner was rejected by the Superintendent of Police, Pudukkottai, on 11.07.2016 and this order became final. This was never challenged by the petitioner. The petitioner wants to reopen the same issue by making a representation to the Director General of Police. The Director General of Police is not an appellate authority to consider this claim made by the petitioner. The petitioner cannot be allowed to indirectly get over the order passed by the Superintendent of Police, Pudukkottai dated 11.07.2016. Therefore, no useful purpose will be served by directing the Director General of Police, the respondent herein to consider the representation of the petitioner. For issuing a Writ of Mandamus, there must be a legal right available to the petitioner and only then, there will be a corresponding legal duty on the part of the authority. This Court is not able to find any legal right for the petitioner since the rejection order that was passed in the year 2016 remains unchallenged.

7.In view of the above discussions, this Court does not find any merit in this Writ Petition. Accordingly, the Writ Petition is dismissed. There shall be no order as to costs.

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Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

rm

To

The Director General of Police,
Tamil Nadu, Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.

+1cc to Mr.M.Muthappan, Advocate, S.R.No.398
+1cc to the Government Pleader, S.R.No.452

W.P.No.35654 of 2019

VGI (CO)
CS/11/02/2020



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