

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Date : 29.03.2021

CORAM:

THE HON'BLE MR. JUSTICE R.SURESH KUMAR

W.P.Nos.17549 to 17551 of 2012

D.Balaji ... Petitioner in W.P.No.17549 of 2012
A.Ganesan ... Petitioner in W.P.No.17550 of 2012
S.Gnanarajkumar ... Petitioner in W.P.No.17551 of 2012

Vs.

1.The State of Tamil Nadu rep.
By its Secretary,
Home Department, Fort St. George,
Chennai - 9.

2.The Director General of Police,
Egmore, Chennai - 600 004. ... Respondents in all WPs.

Prayer : Petitions filed under Article 226 of Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 1 and 2 to consider the claim of the petitioner for promotion as Inspector of Police on the basis of the placement in "C" list and the seniority fixed thereto before merger and that of the date on which the junior came to be promoted as such with all consequential benefits arising thereto.

For Petitioners : Mr.L.Chandrakumar (in all WPs)
For Respondents : Mr.K.Magesh
Special Government Pleader (in all WPs)

COMMON ORDER

Since the issue raised in these four writ petitions is common, with the consent of the learned counsel appearing for both sides, all these writ petitions were heard together and are being disposed of by this common order.

2.In all the writ petitions, the respective petitioners are Sub-Inspector of Police at the time of filing these writ petitions and according to them, they have become eligible to be considered for the promotion as Inspector of Police. However, such consideration has not been shown and they have not been considered for promotion even though they have been included in

the 'C' list. Therefore, in order to get such promotion, on 08/09.03.2012, each of the petitioners have given individual representation to the respondents to consider their plea for giving promotion to the post of Inspector of Police. Since the said representation has not been considered and the promotion from 2009, as claimed by them, has not been given, the petitioners have approached this Court by filing these writ petitions.

3.Reiterating the aforesaid facts, the learned counsel appearing for the petitioners seeks indulgence of this Court and he would submit that, if the said individual representation given by each of the petitioners are directed to be considered, within a time frame, on merits and in accordance with law, these petitioners would be satisfied, he contended.

4.Per contra, Mr.K.Magesh, learned Special Government Pleader appearing for the respondents, on instruction, would submit that, though the petitioners had been given promotion on consideration of their plea from the year 2012, still they stick on that, they should have been retrospectively considered from the year 2009, for which, they are not entitled to and therefore, the plea made by the petitioners through the representation cannot be accepted.

5.I have considered the said submissions made by the learned counsel appearing for the parties and have perused the materials placed before this Court.

6.Though it was submitted by the learned counsel appearing for the respondents that, the petitioners had been given promotion as Inspector of Police subsequently, now, since they seek for promotion from 2009 on retrospective basis, for which, the petitioners have made a claim through their representation dated 08/09.03.2012, however, the same has not been accepted by the respondents, as projected by the learned Special Government Pleader appearing for the respondents, this Court feels that, in order to resolve this controversy, let the representation of the petitioners by each of the petitioners be considered by the respondents on merits and in accordance with law and accordingly, a decision can be taken and communicated to the petitioners.

7.In that view of the matter, this Court is inclined to dispose of these writ petitions with the following orders.

That there shall be a direction to the first respondent to consider the representation dated 08/09.03.2012 individually submitted by all the writ petitioners and decide the same on merits and in

accordance with law and communicate the final order to that effect to the petitioners, within a period of three months from the date of receipt of a copy of this order.

8.With these directions, these writ petitions are disposed of. No costs.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

Sgl

To

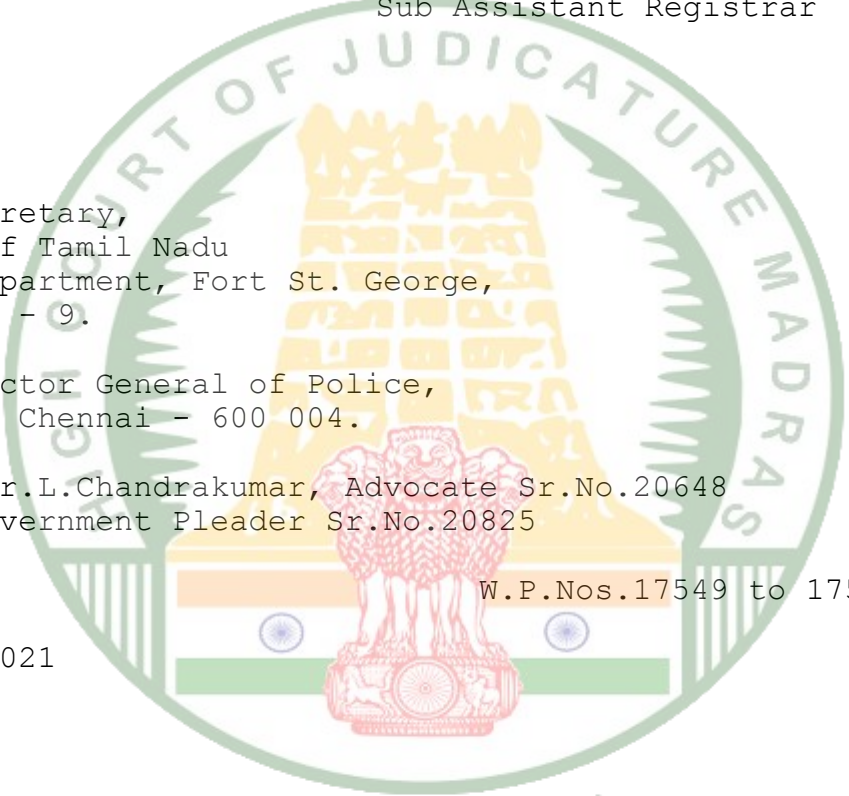
1.The Secretary,
State of Tamil Nadu
Home Department, Fort St. George,
Chennai - 9.

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

+1cc to Mr.L.Chandrakumar, Advocate Sr.No.20648
+1cc to Government Pleader Sr.No.20825

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