



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.07.2021

CORAM:

THE HON'BLE MR.JUSTICE M.GOVINDARAJ

WP NO.30032 OF 2011

S.Chandrakasan

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Petitioner

Vs.

1.The Inspector General
Central Industrial Security Force
CISF, S.S. South Zone
Chennai Port Trust
Chennai - 600 001.

2.The Deputy Inspector General
Central Industrial Security Force
Rajaji Bhavan
Besant Nagar, Chennai.

3.The Commandant
Central Industrial Security Force
V.O.C. Port Trust
Tuticorin.

...

Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus, directing the 3rd respondent to promote the petitioner as Inspector as per his seniority with all 50% of backwages at the rate revised from time to time till the date of reinstatement with all other benefits of EL (earned leave) and HPL (Half Pay Leave).

For Petitioner : Mr.V.Narayanan

For Respondents: Mr.S.Diwakar, SPC

O R D E R

The petitioner has approached this Court for a mandamus directing the respondents to promote him as Sub-Inspector and Inspector under the respondents.



2.Originally, the petitioner was recruited as Security Guard in the year 1972. While he was in service, he was issued with several charge memos for absenting himself without prior permission of his superiors. However, in Case Nos.13/89, 14/89, 15/89 and 17/89, the charges were dropped on 24.02.1992. In respect of some other charges, on 25.04.1992, he was imposed with the punishment of stoppage of one increment with cumulative effect.

3.It appears that on 27.07.1993, the petitioner was removed from service, which he challenged in W.P.No.22671 of 1993. A Division Bench of this Court, by its order dated 15.03.2007, ordered reinstatement with 50% backwages from 19.08.1992 till the date of his reinstatement treating the remaining 50% of the backwages as punishment for the delinquencies committed by the petitioner. Pursuant to the order of the Division Bench, he was reinstated in service by the respondents by orders dated 17.12.2007 and 09.04.2008 and 50% backwages were computed and paid to him and his pay was re-fixed on 07.04.2008. On 07.05.2008, the respondents have issued an order that he has not passed the Efficiency Bar. Thereafter, he made a representation on 17.02.2011 to the respondents stating that pursuant to the order of reinstatement, he is entitled to deemed promotion to the post of ASI, SI and Inspector. However, on the eve of his retirement, he was directed to undergo Promotion Cadre Course (PCC). Therefore, he requested the respondents to stop the training programme and approached this Court for grant of deemed promotion to the post of ASI, SI and Inspector.

4.According to the respondents, promotion to the next higher rank requires a candidate to undergo departmental Promotion Cadre Course and qualify himself in the same. The qualification in departmental Promotion Cadre Course is mandatory for promotion. Therefore, the petitioner was called to attend the Promotion Cadre Course twice, and he submitted his unwillingness for the said course in 2010 and 2011. Since he has expressed his unwillingness on 17.02.2011, for the second time, he cannot be considered for the next promotion.

5.The learned counsel for the petitioner has filed written arguments and contend that the non promotion of the petitioner is vindictive and malafide. On being reinstated pursuant to the orders of this Court, he should have been automatically granted the deemed promotion as per his rank and seniority, whereas it is not granted.

6.But, a perusal of the records makes it clear that it is mandatory for every candidate to undergo Promotion Cadre



Course to get promotion to the next higher rank. Since the petitioner has expressly made a representation to the respondents to stop the training programme, I do not consider it as a fit case for getting promotion. I do not find any merit in this writ petition and accordingly, the same stands dismissed. No costs.

Sd/-
Assistant Registrar(CS-III)

//True Copy//

Sub Assistant Registrar

TK

To

- 1.The Inspector General
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AK(CO)
CB(23/08/2021)