

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE R.MAHADEVAN

W.P.No.19271 of 2014

S.Mahimaidass

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Petitioner

Vs

1.The State of Tamil Nadu,
Rep. By Principal Secretary to Government,
Home Department,
Secretariat,
Chennai 600 009.

2.The Director General of Police,
Mylapore,
Chennai 600 008.

3.The Additional Director General of Police,
Armed Police,
Kilpauk,
Chennai 600 010.

...

Respondents

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, to direct the respondents to grant notional promotion to the petitioner on par with his junior Thiru.Jayavelu with all consequential and other attendant benefits including arrears of salary with interest as well as revision of retirement benefits based on such notional promotion to the higher post with consequential benefits, within a time frame to be fixed by this Court.

For Petitioner : Mr.G.Sankaran

For Respondents : Mr.P.Chinnadurai

ORDER

According to the petitioner, he was initially appointed as Police Constable in Tamil Nadu Special Police (TSP) on 22.10.1977 and was posted in General category and he retired from service on 30.06.2013 as Assistant Commandant in the category of Deputy Superintendent of Police. It is the grievance

of the petitioner that he got promotion periodically by including his name in 'C' list to every post based on eligibility and seniority, according to which, he was promoted as Sub Inspector of Police on 17.07.1995, whereas his junior by name Jayavelu, who was appointed in the year 1982 as Police Constable in TSP, having opted to specialist category -Armourer Group, was given promotion as Sub Inspector of Police on 01.09.1988 in Armourer line, ie., prior to the petitioner. Feeling aggrieved, the present writ petition has been filed by the petitioner, seeking a direction to the respondents to grant notional promotion to him, on par with his junior with all consequential and other attendant benefits including arrears of salary with interest as well as the revision of retirement benefits, within a time frame to be fixed by this Court.

2.On receipt of the notice, the respondents filed a detailed counter affidavit, inter alia stating that the promotion was given to D.Jeyavelu as per the rules in existence at the relevant point of time and the same was prior to the issuance of G.O.Ms.No.1710 Home (Pol.IX) Department, dated 23.11.2007 and hence, the petitioner has no locus standi to claim his seniority.

3.Today, when the matter was taken up for consideration, the learned counsel for the petitioner submitted that it would suffice, if the representations dated 07.10.2006, 25.04.2009 and 13.06.2013 submitted by the petitioner are directed to be disposed of by the respondent authorities, for which, the learned counsel appearing for the respondents has no serious objection.

4.Considering the facts and circumstances of the case and having regard to the submissions now made by the learned counsel on either side, this Court directs the respondent authorities to consider the latest representation dated 13.06.2013 submitted by the petitioner, if not already considered, and pass appropriate orders, on merits and in accordance with law, within a period of eight weeks from the date of receipt of a copy of this order.

5.Accordingly, the writ petition stands disposed of. No costs.

Sd/-
Assistant Registrar(CS-VII)

//True Copy//

Sub Assistant Registrar

msv

To

1.The Principal Secretary to Government,
Home Department, Secretariat,
Chennai 600 009.

2.The Director General of Police,
Mylapore, Chennai 600 008.

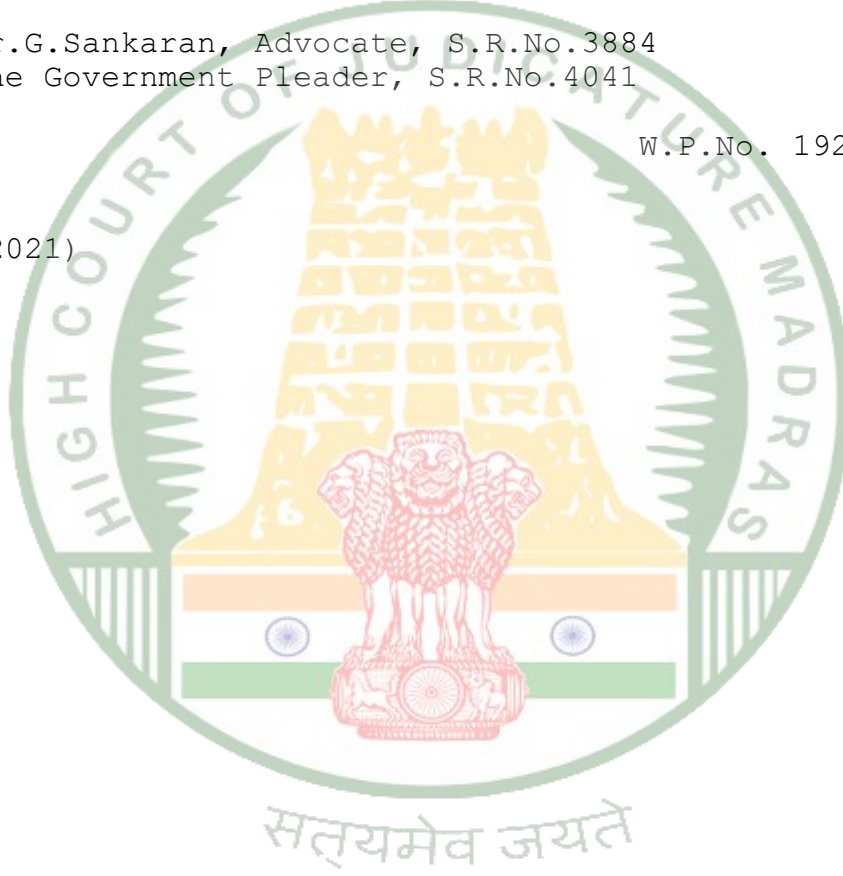
3.The Additional Director General of Police,
Armed Police, Kilpauk, Chennai 600 010.

+1cc to Mr.G.Sankaran, Advocate, S.R.No.3884

+1cc to the Government Pleader, S.R.No.4041

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PCH (CO)
CB(18/05/2021)



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