



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14.07.2021

CORAM:

THE HONOURABLE MS.JUSTICE V.M.VELUMANI

W.P(MD)No.13125 of 2020

WEB COPY

P.Mariappan

... Petitioner

vs.

1.The Government of Tamil Nadu,
Rep. by its Secretary to Home Department,
Fort St. George,
Chennai - 600 009.

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

3.The Superintendent of Police,
Theni District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, to direct the respondents to give the accelerated promotion to the post of Sub-Inspector of Police with monetary benefits to the petitioner for the continuous setting of world records for three times (2009, 2010 and 2011) on par with the accelerated promotion given to Kanagasundaram, Inspector of Police as per G.O(4D)No.14, dated 12.08.1993 as per the petitioner's representation, dated 19.09.2019.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.K.S.Selva Ganesan
Government Advocate

ORDER

The petitioner has filed the present Writ Petition, to direct the respondents to give the accelerated promotion to the post of Sub-Inspector of Police with monetary benefits to the petitioner for the continuous setting of world records for three times (2009, 2010 and 2011) on par with the accelerated promotion given to Kanagasundaram, Inspector of Police, as per G.O(4D)No.14, dated 12.08.1993, as per his representation, dated 19.09.2019.

2.Heard the learned counsel appearing for the petitioner and the learned Government Advocate appearing for the respondents.

3.According to the petitioner, he was appointed as Grade-II Police Constable in the Tamil Nadu Police 6th Battalion of TSP on 01.12.2003, and thereafter, he was promoted as Grade-I Police



Constable on 01.12.2013 and now, he is working as Head Constable in Uthamapalayam Police Station, L & O, Theni. Seeking accelerated promotion to the post of Sub-Inspector of Police with monetary benefits for the continuous setting of world records for three times (2009, 2010 and 2011) on par with the accelerated promotion given to Kanagasundaram, Inspector of Police, as per G.O(4D)No.14, dated 12.08.1993, the petitioner sent a representation, dated 19.09.2019, to the respondents. So far, no action has been taken. Hence, the petitioner has come out with the present Writ Petition.

4. According to the petitioner, he achieved World record in lifting the weight with his teeth. For having achieved the said World record, the petitioner has sought for accelerated promotion to the post of Head Constable, while he was working as Grade-I Police Constable. The said request was rejected by the respondents. Subsequently, the petitioner was promoted as Head Constable. According to the petitioner, the respondents granted accelerated promotion to one Kanagasundaram for his achievement in typing for a long time in G.O(4D)No.14, Home (Pol.VI) Department, dated 12.08.1993. Hence, the petitioner sent a representation, dated 17.05.2010 before the second respondent. The representation of the petitioner was rejected. Challenging the same, the petitioner filed a Writ Petition in W.P(MD)No.19771 of 2017 before this Court. This Court, by an order, dated 22.11.2018, dismissed the Writ Petition holding that the first respondent has given reason for rejecting the request of the petitioner. The relevant portion of the said order reads as follows:-

7. On perusing the affidavit and the impugned order this court is not of the firm view that promotion of kanagasundaram giving accelerated promotion based on G.O.14 Home Department (Police VI) dated 12.08.1993 cannot be a ground or reason to extend the same benefit to the petitioner herein in the year 2013 or thereafter. When the policy makers have taken a conscious decision and passed G.O .(MS) No. 805, Home (Pol.V) Department, dated 07.10.2013 after considering the various development in exercising the discretion of granting accelerated promotion and the intervention of the court orders. Therefore any accelerated promotion can be only in terms and in accordance with G.O.Ms 805. It is well settled that any accelerated promotion shall be given only in accordance with G.O.Ms.No.805. Therefore citing the old Government orders the petitioner herein cannot claim accelerated promotion just because the higher official of the police department has recommended for the same. It is the for the Government to comply with the guidelines prevailing on the date and consider the application and pass appropriate order giving reasonings for rejecting



the application . Hence the impugned order is legal and liable to be upheld."

5.Further, it is seen that the petitioner has not challenged the said order passed by this Court. In the affidavit filed in support of the present Writ Petition, the petitioner has suppressed the dismissal of the earlier order in W.P(MD)No.19771 of 2017, dated 22.11.2018. On the other hand, the petitioner has stated that he has sent a representation to the Chief Minister Cell on 19.09.2019 and the same was forwarded to the second respondent and the second respondent called for records from the third respondent and hence, filed the present Writ Petition. From the order of this Court made in W.P(MD)No.19771 of 2017, dated 22.11.2018, it is clear that any accelerated promotion is given only as per G.O.Ms.No.805, Home (Pol.V) Department, dated 07.10.2013 and not based on the earlier Government Orders. The petitioner's representations were rejected earlier. The Writ Petition filed by the petitioner was also dismissed and the order passed by this Court has become final. The present Writ Petition filed for the very same relief is not maintainable.

6.In the result, the Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

Ps

To

1.The Secretary to Home Department,
Fort St. George, Chennai - 600 009.

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

3.The Superintendent of Police, Theni District.

+1 CC to M/s.A.RAJARAM, Advocate (SR-22473[F] dated 14/07/2021)

+1 CC to M/s.SPL GP (SR-22680[F] dated 15/07/2021)

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14.07.2021

MGJ(04.08.2021) 3P 6C