



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 26.02.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

W.P. (MD)No.18839 of 2016

S.Mathivanan

.. Petitioner

Vs

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

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

3.The Superintendent of Police,
Tirunelveli District.

.. Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the respondents to give the notional promotion with monetary benefits equal to the post of Inspector of Police to the petitioner on par with his batch-mates on the basis of the petitioner's representation dated 05.08.2016.

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.D.Muruganantham

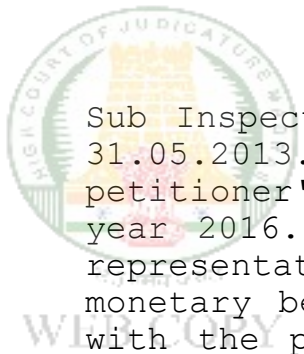
Additional Government Pleader

O R D E R

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

The prayer sought for in the present writ petition is for a direction to the respondents to issue the petitioner an order of appointment to the post of Junior Inspector of Sericulture notified in Notification No.1/2016 issued by the second respondent.

2. The case of the petitioner is that the petitioner was appointed as Grade II Police Constable in the year 1981 and promoted as Head Constable in the year 2000. While he was working as Head Constable, he filed W.P.(MD).Nos.324 of 2010 before this Court to revise and regularise the service seniority and for proper promotion and this Court passed an order in favour of the petitioner. Thereafter, the petitioner got promotion to the post of



Sub Inspector of Police on 25.07.2010 and retired from service on 31.05.2013. Thereafter, the petitioner came to know that the petitioner's juniors were promoted as Inspector of Police in the year 2016. In view of the above promotion, the petitioner made a representation dated 05.08.2016 seeking for notional promotion with monetary benefits equal to the post of Inspector of Police on par with the petitioner's batch-mates and the said representation was forwarded by the Deputy Superintendent of Police to the Superintendent of Police for consideration. However, till date no order was passed. Hence, the petitioner approached this Court with the above said prayer.

3. The learned counsel for the petitioner would submit that it would be suffice if a direction is issued to the respondents to consider the representation of the petitioner dated 05.08.2016 within a reasonable time as fixed by this Court.

4. Per Contra, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner, who was appointed on 01.04.1981 would come under the 4th slot for when promotion of Head Constable is to be given in 2000-2001. In compliance of G.O.Ms.No.844, Home (Pol.V) Department, dated 03.06.1997 and clarification letter dated 07.01.1998, the petitioner herein was promoted as Head Constable on 25.07.2000 and his promotion is well in accordance with the said G.O.Ms.No.844 (Pol.V) Department, dated 03.06.1997 and the clarification letter No.107160/fin-5/dated 07.01.1998. The petitioner's promotion as Head Constable and later Special Sub Inspector of Police on the respective dates in accordance with the government order as well as the said clarification letter of the government and further the petitioner's batch-mates were promoted in the year 2016, however, the petitioner is not entitled since he was retired from service in the year 2013. Hence, he prays for dismissal of this writ petition.

5. Heard the learned counsel appearing for the petitioner as well as the learned Additional Government Pleader appearing for the respondents and perused the materials placed on record.

6. The facts in the present case are not disputed. Admittedly, the petitioner entered in to service as Grade II Constable in the year 1981 and he was promoted as Head Constable in the year 2000. Thereafter, the petitioner got promotion to the post of Sub Inspector of Police on 25.07.2010 and retired from service on 31.05.2013. Even on bare perusal of the representation itself reveals that the petitioner's batch-mates were promoted in the year 2016, however, it appears that the petitioner was retired from service in the year 2013. Hence, he cannot claim for notional promotion with monetary benefits to the post of Inspector of Police on par with his batch-mates. Thus, the prayer sought for in this writ petition cannot be granted.



7. Accordingly, this writ petition stands dismissed. No Costs.

Sd/-

Assistant Registrar(CS-I)

// True Copy //

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/ /2021

Sub Assistant Registrar(CS)

PJL

Note: In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To

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

2.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli.

3.The Superintendent of Police,
Tirunelveli District.

+1 CC to M/s.SPL GP (SR-7850[F] dated 01/03/2021)

W.P. (MD) .No.18839 of 2016
26.02.2021

MA(CO)
TR(26.03.2021) 3P 5C