



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.03.2021

CORAM:

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P(MD)No.8854 of 2016

WEB COPY

R.Josephine Amala Rani

... Petitioner

Vs.

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai-9.

2.The Director General of Police,
Chennai-4.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the Respondents to consider the claim of the Petitioner for promotion as Deputy Superintendent of Police and for inclusion of her name either in the panel of the year 2013-14 or 2015-16 and to promote her at par with her juniors namely Shameem and Sathy Anushuya, who are promoted and serving as Deputy Superintendent of Police Category-I with all consequential service and monetary benefits in the light of the representation made by her dated.20/01/2016, within a reasonable time.

For Petitioner : Mr.Kannan
for M/s T.Ayangaraprabhu

For Respondents : Mr.K.P.Narayanakumar
Special Government Pleader

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ORDER

This Writ Petition is filed seeking for issuance of a writ of Mandamus to direct the Respondents to consider the claim of the Petitioner for promotion as Deputy Superintendent of Police and for inclusion of her name either in the panel of the year 2013-14 or 2015-16 and to promote her at par with her juniors namely Shameem and Sathy Anushuya, who are promoted and serving as Deputy Superintendent of Police Category-I with all consequential service and monetary benefits in the light of the representation made by her dated.20/01/2016, within a reasonable time.



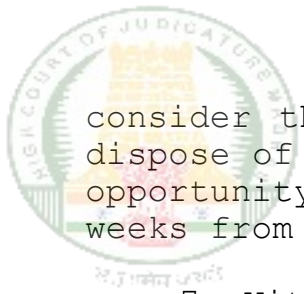
2. The case of the petitioner is that she had entered the service as a directly recruited Grade I Police Constable through a selection conducted by the Director General of Police in the year 1977 and posted in Ramnad District. During the period of training, they had been taught the syllabus applicable to the Assistant Sub-Inspector of Police and they were informed that automatically they will be promoted directly as Assistant Sub Inspector of Police and on completion of training, it was not done so. Even though the Rules of Recruitment for the post of Grade-I PC was available, no Rules have been enacted for the purpose of making subsequent promotion from the post of Grade-I PC to the post of Head Constable.

3. It is further submitted that from Head Constable to Sub-Inspector of Police, even though the Rules for Men Head Constables were available, no such Rule was enacted for Woman Grade-I PCs, who were to be promoted as Sub-Inspectors of Police. The District Level Officers at their whims and fancies promoted number of persons from Grade-I PC to Head Constable, however, in the petitioner's case, there was a delay in making promotion not only in the cadre of Head Constable, but also in the cadre of Sub-Inspector of Police and Inspector of Police. Further it is also submitted that the juniors of the petitioner have also been promoted as Deputy Superintendent of Police. It is further stated that once the petitioner was promoted as Inspector of Police on 24.11.2004, his seniority has to be fixed from the date of appointment or from the date of promotion and not from the date of regularization. It is further submitted that since the petitioner's batch mates have already been promoted as Deputy Superintendent of Police, she is also entitled to be promoted either in the panel of the year 2013-2014 or 2015-16. Further the petitioner made representation dated 20.01.2016 to the respondents to consider his claim for promotion on par with her juniors namely Shameem and Sathy Anushuya who have been recruited along with her and to grant her promotion as Deputy Superintendent of Police, Category-I with all consequential service and monetary benefits, however, the same has not been considered so far. The petitioner's date of retirement also falls on 31.05.2016. Hence, the petitioner would pray for appropriate orders.

4. Though a larger relief sought for in the writ petition, the learned Counsel appearing for the petitioner would submit that it would suffice, if a direction is given to the respondents to dispose of the representation of the petitioner dated 20.01.2016 within a reasonable time as fixed by this Court.

5. Learned Special Government Pleader appearing for the respondents has no serious objection for granting such relief.

6. Considering the limited scope of the prayer, as now sought for by the learned Counsel appearing for the petitioner, without
<https://hccourtservices.in/> merits of the case, the respondents are directed to



consider the representation of the petitioner dated 20.01.2016 and dispose of the same, on merits and in accordance, after affording an opportunity of hearing to the petitioner, within a period of twelve weeks from the date of receipt of a copy of this order.

7. With the above directions, the Writ Petition stands disposed of. No costs.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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.

SSL

To

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai-9.

2.The Director General of Police,
Chennai-4.

+1 CC to M/s.SPL GP (SR-14816[F] dated 31/03/2021)

+1 CC to M/s.T.AYNGARAPRABHU, Advocate (SR-14967[F] dated 31/03/2021)

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