



WP.No.6114/2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.09.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SURESH KUMAR

WP.No.6114/2019

R.Anantharaman

... Petitioner

Vs

The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.

... Respondent

Prayer: Writ Petition filed Article 226 of the Constitution of India praying for issuance of a writ of mandamus directing the respondent to pass orders on the representation made by the petitioner dated 21.01.2019 for consideration of claim for promotion as Inspector of Police by taking into consideration the date of B List and promote the petitioner as Inspector of Police within a reasonable time.

For Petitioner	: Mr.K.Venkataramani Senior Counsel for Mr.M.Muthappan
For Respondent	: Mr..J.C.Durairaj Additional Government Pleader



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ORDER

(1) The prayer sought for herein is as follows:-

"Writ petition filed for issuance of a writ of mandamus directing the respondent to pass orders on the representation made by the petitioner dated 21.01.2019 for consideration of claim for promotion as Inspector of Police by taking into consideration the date of B List and promote the petitioner as Inspector of Police within a reasonable time."

(2) The petitioner was enlisted as Grade-II Police Constable in the District Armed Reserve on 12.03.1981. He was upgraded as Grade-I Police Constable in the year 1995 and further was upgraded as Head Constable in the year 2002. Thereafter, he participated in the Range Promotion Board conducted in the year 2005 and the petitioner's name was included in the 'C' List Head Constable fit for promotion as Sub Inspector on 30.01.2006. He was sent for training on 22.02.2006 and after two years, he was repatriated to the parent Unit stating that he was facing a criminal case.



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- (3) He approached this Court by filing a writ petition where a direction has been given and he was sent for pre-promotional training from 08.04.2006. He completed the said training on 02.06.2006 and commenced his practical training on 21.08.2006. Thereafter, he was brought into 'B' List on 21.08.2006. His probation was declared on 03.09.2008 and his name was brought into 'A' List on 04.09.2008. He was awarded selection grade on completion of 10 years as Sub Inspector on 21.08.2016 and he retired from service on attaining the age of superannuation on 30.04.2019.
- (4) In this context, since the petitioner had been brought in the 'B' List for promotion to the post of Inspector of Police before his superannuation, it ought to have been given to him. However, it was not given. Hence, the petitioner since had retired from service on superannuation on 30.04.2019, he has given a representation on 21.01.2019, i.e, before his superannuation to consider his promotion and since the same was not considered, he has approached this Court by filing the present writ petition to consider the said request and at least, his promotion for the post of Inspector of Police can be



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notionally given on the due date for which the petitioner, according to him, would be entitled to get such promotion.

- (5) Reiterating the aforestated, Mr.K.Venkataramani, learned Senior counsel appearing on behalf of the petitioner would submit that even before superannuation and the petitioner since he was entitled to get such promotion to the post of Inspector of Police and that request though has been made since was not considered, the petitioner without getting such promotion superannuated and retired from service and merely because he retired from service, his right to get promotion even notionally cannot be denied. Therefore, his request made in the said representation shall be directed to be considered by way of a mandamus, he contended.
- (6) Heard the learned Additional Government Pleader appearing for the respondents who would submit that before superannuation, if at all the petitioner was eligible to be considered for promotion to the post of Inspector of Police that could have been considered since he has not been considered it means that the petitioner has not reached the zone of consideration for the purpose of promotion to the post of



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Inspector of Police and moreover, since he has happily retired on superannuation on 30.04.2019 and has been leading the retired life, at this juncture he cannot seek for reconsideration of his request for promotion to the post of Inspector of Police by considering his representation which said to have been given on 21.01.2019 that is before his superannuation, therefore, the learned Additional Government Pleader seeks dismissal of this writ petition.

- (7) I have considered the rival submissions made on either side and also perused the materials placed.
- (8) Whether the petitioner has superannuated on 30.04.2019 or not that is not the question here to consider. The promotion claim made by him for which if he is otherwise entitled to even before his superannuation that was not considered for whatever reason, the petitioner has got every right to claim such promotion on notional basis for which his representation dated 21.01.2019 which was given even prior to the superannuation can be persuaded for which alone since this writ petition has been filed, this Court is of the view that a direction can be given by way of a mandamus to the



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(9)

respondent.

Hence, this Court is inclined to dispose of this writ petition with the following order that there shall be a direction to the respondent to consider the representation of the petitioner dated 21.01.2019 and decide the same on merits and in accordance with law with regard to the plea of the petitioner to get promotion to the post of Inspector of Police, of course notionally for which he is entitled to on that particular due date/period and pass 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.

(10) With these directions, the writ petition stands **disposed of**. No costs.

02.09.2022

AP

Internet : Yes

To

The Director General of Police
Dr.Radhakrishnan Salai
Mylapore, Chennai-4.

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R.SURESH KUMAR, J.

AP

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