



W.P.No.36059 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.36059 of 2016
and
W.M.P.No.30981 of 2016

N.Harikrishnan

... Petitioner

Vs.

- 1.The Union of India,
Represented by its Secretary to Government,
Ministry of Home Affairs,
New Delhi.
- 2.The Director General,
Central Industrial Security Force,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
- 3.The Inspector General,
South Sector,
Central Industrial Security Force,
Near War Memorial,
Chennai Port Trust Complex,
Chennai – 600 009.
- 4.The Deputy Inspector General,
South Zone, Rajaji Bhawan,
Besant Nagar,
Chennai – 600 090.



W.P.No.36059 of 2016

5. The Group Commandant,
Central Industrial Security Force,
Group Head Quarters,
Rajaji Bhawan, Besant Nagar,
Chennai – 600 090.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Certiorarified Mandamus, to call for the records relating to the order passed by the 2nd respondent in his order No. 35016/02/NHK/2015/ADM-I/90, dated 03.06.2015 and quash the same and to direct the respondents to promote the petitioner as Head Constable from the year 1998 and as ASI (Assistant Sub-Inspector) from 2014 and to pay the Salary for the period from 1998 to 2003 as Head Constable and 2014 to till date as ASI (Assistant Sub-Inspector) and continue to pay all benefits.

For Petitioner	: Mr.A.S.Mujibur Rahman
For Respondents	: Mr.R.P.Pragadish Central Government Standing Counsel

ORDER

The order of rejection, rejecting the claim of the writ petitioner for promotion to the post of Head Constable from the year 1998 and as ASI (Assistant Sub-Inspector) from 2014 and fix the salary for the period from 1998 to 2003 as Head Constable is under challenge in the writ petition.



2. The petitioner was appointed as a Head Constable on 11.10.1982 in the Central Industrial Security Force (CISF). He had undergone Fireman Course in the year 1991 and declared as qualified for the promotion to the post of Head Constable, Fireman.

3. The grievance of the writ petitioner is that he was not promoted during the relevant point of time despite the fact that he possessed the requisite qualification for promotion to the post of Head Constable and ASI.

4. The learned counsel for the petitioner reiterated that at two stages the petitioner was denied promotion in the cadres of Head Constable and ASI (Assistant Sub-Inspector) and therefore, he has made a representation to the authorities to grant retrospective promotion on par with his juniors, which was rejected.

5. The learned Central Government Standing Counsel for the respondents objected the said contention by stating that irrespective of the qualification of the writ petitioner, he had approached the authorities after a lapse of 12 years from the cause of action and thus, the settled seniority



cannot be unsettled, which would affect the other employees.

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6. The petitioner filed the present writ petitioner at the age of 57. During the pendency of the writ petition, he retired from the service. The petitioner, admittedly, completed the Fireman course in the year 1991 and now he seeks retrospective promotion to the post of Head Constable from the year 1998 and to the post of ASI (Assistant Sub-Inspector) from 2014. Even as per the representation submitted by the petitioner, he approached the authorities after a lapse of 12 years from the date of cause of action.

7. Any dispute relating to seniority and promotions are to be adjudicated within a reasonable period of time, more specifically, within a period of three years as per the Rules. Belated claims cannot be entertained. Settled seniority, if unsettled after a lapse of several years, it would cause prejudice to the interest of all other employees, who were promoted during the interregnum period. Thus, the claim of the writ petitioner was rightly rejected by the competent authorities and now at this length of time the relief as such sought for seeking retrospective promotion from the year 1998 cannot be granted by this Court.



W.P.No.36059 of 2016

WEB COPY

8. Accordingly, the writ petition stands dismissed. No costs.

Consequently, connected Miscellaneous Petition is closed.

02.11.2022

Jeni

Index : Yes

Speaking order

To

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W.P.No.36059 of 2016

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W.P.No.36059 of 2016

S.M.SUBRAMANIAM, J.

Jeni

W.P.No.36059 of 2016

02.11.2022