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IN THE HIGH COURT OF JUDICATURE OF MADRAS

DATED: 10.01.2022

CORAM:

THE HONOURABLE MR. JUSTICE M.S. RAMESH

W.P.No.23241 of 2018

1.T.Manivannan (32018)
Sub-Inspector of Police,
Armed Reserved -II,
21 - PLATOON (PLN) - F "COY",
Greater Chennai Police,
St. Thomas Mount,
Chennai - 600 016.

2.A.P.Pushparaj, (32037),
Sub-Inspector of Police,
Armed Reserved -II,
7 - PLATOON (PLN) - B "COY",
Greater Chennai Police,
St. Thomas Mount,
Chennai - 600 016.

...Petitioners

Vs

1.The State of Tamil Nadu,
Rep. by its Principal Secretary to Government,
Department of Home (Police),
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
Head of Police Force,
Mylapore,
Chennai - 600 004.

3.The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.

4.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

...Respondents



PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Mandamus, directing the respondents to promote the petitioners as Inspector of Police in the Police Department based on their seniority and the rank secured for the year 2004-2005 on par with their junior viz., S.Jeevarathinam and grant all consequential service benefits.

For Petitioners: Mr.M.R.Jothimanian

For Respondents: Mr.C.Selvaraj
Additional Government Pleader

O R D E R

With the consent of both the parties, this Writ Petition is taken up for final disposal.

2.The petitioners herein had participated in the Range Promotion Board for the drawal of "C" list of "Head Constable (Armed Reserve) fit for the promotion as Inspector of Police (Armed Reserve)" for the year 2004-2005. By Citing the charges framed under Rule 3 (b) of the Tamilnadu Police Subordinate Service (Discipline and Appeal) Rules, 1955, their names were removed from the "C" list along with similarly placed constables. When such an action was challenged by them before this Court in W.P.No.31221 of 2005, in the case of T.Manivannan and 14 others vs. The Director General of Police and Others, this Court by its order dated 02.08.2010, had quashed the action taken by the respondents in disqualifying the petitioners from the "C" list and subsequently directed to finalise the "C" list by giving retrospective promotion to the petitioners. The relevant portion of the order reads as follows:

"19.Admittedly, there was no conviction by any criminal Court against the petitioners and the charges against the petitioners were quashed and reached finality. Hence, in the light of the decisions rendered by the Hon'ble Apex Court, the respondents cannot deny the legitimate right of promotions of the petitioners. As per the ratio laid down by the Hon'ble Supreme Court in the decision reported in 1991 Supp (2) SCC 199 (cited supra), in order to maintain the fundamental rights guaranteed under Article 14 and 16(1) of the Constitution, this Court is of the view that the petitioners 2,3,5,7,8,10,11,12



is junior to the petitioner and who has been given promotion prior to the petitioners, they would also be entitled for the promotion from the date on which Thiru.S.Jeevarathinam was promoted to the post of Inspector of Police.

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5. In view of the positive orders passed by this Court in T.Manivannan case supra and in the light of the un-disputed fact that the petitioners' junior namely Thiru. S.Jeevarathinam has been promoted to the post of Inspector of Police by over looking the candidature of the petitioners' herein, the claim of the petitioners in the present Writ Petition deserves consideration.

6. Accordingly, there shall be a direction to the second respondent herein to promote the petitioners as Inspector of Police based on their seniority and the rank secured for the year 2004-2005, on par with their junior namely S.Jeevarathinam. The second respondent herein shall endeavor to pass orders within a period of four weeks from the date of receipt of a copy of this order and consequently extent all the service and monitory benefits in view of such retrospective promotion.

7. This writ petition is disposed of accordingly. No costs.

Sd/-

Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

rst/anu

To

1. The Principal Secretary to Government,
State of Tamil Nadu,
Department of Home (Police),
Secretariat,
Chennai - 600 009.
2. The Director General of Police,
Head of Police Force,
Mylapore,
Chennai - 600 004.
3. The Deputy Inspector General of Police,
Kancheepuram Range,
Kancheepuram.



4.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai - 600 007.

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+1cc to Mr.M.R.Jothimanian, Advocate Sr.2475
+1cc to the Government Pleader Sr.2258

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