



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 08.06.2022

CORAM:

THE HON'BLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.6188 of 2014

V.Balakrishnan

... Petitioner

Vs

1.The Commissioner of Police,
Chennai City Police,
Egmore, Chennai - 8.

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

3.The Secretary to Government,
Home (Pol.III) Department,
Fort St. George, Chennai - 9.

... Respondents

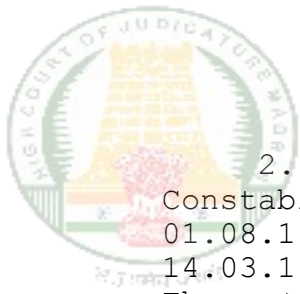
PRAYER: This Writ Petition is filed under Article 226 of the Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the respondents in connection with the impugned orders passed by the 1st respondent in RC. No.Estt.V(1)/475/61826/09 dated 24.2.2010 and quash the same and direct the respondents to consider the claim of the petitioner for inclusion of his name in the 'C' List of Head Constable fit for promotion as Sub Inspector of Police (Armed Reserve) for the year 1991 and promote the petitioner notionally as Sub Inspector of Police (Armed Reserve) at par with his junior in the 'C' List of the year 1991 and grant him further promotion as Inspector of Police with all consequential service and monetary benefits.

For Petitioner : Mrs.R.Deepika Sonali
for Mr.M.Muthappan

For Respondents : Mr.L.S.M.Hasan Fizal
Additional Government Pleader.

O R D E R

The order dated 24.02.2010, rejecting the claim of the writ petitioner for retrospective inclusion of his name in the 'C' list of Head Constable fit for promotion as Sub Inspector of Police (Armed Reserve) 1990-91, is under challenge in the present writ petition.



2. The petitioner was recruited as Grade-II Police Constable in the City Armed Reserve, Chennai City on 01.08.1984. He was promoted as Grade-I Police Constable on 14.03.1997 and thereafter, as Head Constable on 14.05.1987. The petitioner states that he is fully qualified and eligible to participate in the Range Promotion Board conducted by the department in the year 1991. However, during the relevant point of time, he was on deputation with Dog Squad and undergoing training in handling Dogs for a period of nine months from 01.10.1991 at National Training School for Dogs at Tekanpur, Gwalior, Madhya Pradesh. The department has not communicated regarding the selection conducted by the Range Promotion Board in year 1991.

3. In view of the fact that the petitioner received the communication one day prior to the constitution of the Board, he could not able to appear before the Promotion Board and thus, his opportunity for promotion to the post of Sub Inspector of Police (AR) was denied during the relevant point of time in the year 1991. However, it was admitted that the petitioner was included in the 'C' list of Head Constables fit for promotion as Sub Inspector of Police (AR) for the year 1999-2000 and thereafter promoted.

4. This Court is of the considered opinion that if at all the name of the writ petitioner was not considered in the 'C' list in the year 1991, the petitioner ought to have pursued the matter vigilantly during the relevant point of time. However, he slept over his right for many years and woke up in one fine morning and knocked the doors, which cannot be encouraged by this Court.

5. The petitioner approached the authorities belatedly and the order of rejection which is impugned in the writ petition itself is passed in the year 2010 and the present writ petition was filed after the lapse of four years i.e. in 2014. That apart, the petitioner reached the age of superannuation and after this length of time, the claim of the writ petitioner for inclusion in the 'C' list of Head Constable fit for promotion as Sub Inspector of Police (Armed Reserve) for the year 1991, cannot be considered. Accordingly, the writ petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS-III)

//True Copy//

Sub Assistant Registrar

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To

1. The Commissioner of Police,
Chennai City Police,
Egmore, Chennai - 8.

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

3. The Secretary to Government,
Home (Pol.III) Department,
Fort St. George, Chennai - 9.

+1cc to Government Pleader SR. No. 34160

WP No.6188 of 2014

SR (CO)
PR (16/06/2022)