



WEB COPY



W.P.No.43176 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.43176 of 2016

P.Venkatachalam

... Petitioner

Vs.

1. Government of Tamil Nadu,
Rep. by its Secretary,
Home (Pol.VI) Department,
Fort St. George,
Chennai – 600 009.

2. The Additional Director General of Police,
Chennai – 600 004.

3. The Commissioner of Police,
Salem City,
Salem.

... Respondents

Prayer: Writ Petition filed Under Article 226 of the Constitution of India, to issue Writ of Mandamus, directing the 2nd respondent herein to promote the petitioner as Sub-Inspector of Police (AR) retrospectively with effect from 01.01.2008 as per the recommendations of the 3rd respondent herein and grant all consequential service and monetary benefits due to the petitioner in light of the representation made by petitioner dated 29.10.2014.

For Petitioners

: Ms. A.S.Neela Narayani

For Respondents

: Mr. S.Rajesh,
Government Advocate



WEB COPY



W.P.No.43176 of 2016

ORDER

The relief sought for in the present writ petition is to direct the second respondent to promote the Petitioner as Sub-Inspector of Police (Armed Forces) retrospectively with effect from 01.01.2008 as per the recommendation of the third respondent and grant all the consequential service and monetary benefits due to him.

2. The very relief sought for in the writ petition is to promote the petitioner as Sub-Inspector of police based on the recommendations of the third respondent, Commissioner of Police, Salem city. Mere preparation of panel or proposal or recommendation of the Commissioner of Police would not confer any right for grant of promotion and the promotions are to be granted strictly in accordance with the rules in force. Promotion *per se* cannot be claimed as a matter of right. However, consideration for promotion is a fundamental right of an employee in the event of preparing a panel for promotion. The name of all the eligible persons, who are all aspiring to secure promotion, have to be considered in the line of seniority and based on the eligibility criteria fixed under the rules. Therefore, mere recommendation made by the third respondent would not confer any right to claim promotion.



W.P.No.43176 of 2016

WEB COPY

3. The Petitioner states that one Palanisamy, who is junior to him was promoted as Sub-Inspector of Police and therefore, the case of the writ petitioner is to be considered for retrospective promotion to the post of Sub-Inspector of police.

4. In this regard, the respondents have stated that during the years 2008, 2009 and 2010 no one was promoted to the rank of Sub-Inspector in Armed Reserve in Salem city as there were no vacancy in the strength of promote quota sanctioned to Armed Reserve, Salem city. The sanctioned strength of Sub-Inspector of Police in Armed Reserve, Salem City is 16. Out of 16, 3 posts were allotted for directly recruiting Sub-Inspectors of Police and remaining 13 allotted for those promoted to the rank of Sub-Inspectors of Police. In the year 2012, one K.Kittu, who was a senior was included in the promotion panel according to the seniority and was given promotion as Sub-Inspector of police for the vacancy available with effect from 01.06.2012. In the year 2013, the name of the petitioner along with 4 others have been included in the panel list according to the seniority and they were given promotion as Sub-Inspector of Police with effect from 15.10.2013 for the vacancies aroused during the said year. Thus it is contended that the



W.P.No.43176 of 2016

petitioner was promoted in accordance with seniority in the year 2013 and

none of his junior was promoted earlier to the petitioner's promotion.

Regarding the case of promotion, it is contended that said Palanisamy was promoted as Head Constable prior to the promotion of the writ petitioner as Head Constable. The petitioner was promoted as Head Constable on 18.11.2003 but the said Palanisamy was promoted as Head Constable on 17.11.2003. Therefore, the name of the said Palanisamy was placed in Sl.No.1 in the seniority list and thus, the comparison made by the writ petitioner is untenable since the said Palanisamy is senior in the feeder category of Head Constable.

5. In view of the fact that the panel for promotion to the post of Sub-Inspector of Police was not prepared during the years 2008, 2009 and 2010 and 2012, one senior alone was promoted and during the year 2013, the petitioner was promoted, there is no violation of rules or illegality of grant of promotion and the petitioner has not established any acceptable ground for the purpose of granting the relief as sought for in the writ petition.

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

20.09.2022

Index : Yes
Speaking order



gpa/skr



W.P.No.43176 of 2016

WEB COPY To

1. The Secretary to Government of Tamil Nadu,
Home (Pol.VI) Department,
Fort St. George,
Chennai – 600 009.
2. The Additional Director General of Police,
Chennai – 600 004.
3. The Commissioner of Police,
Salem City,
Salem.



WEB COPY



W.P.No.43176 of 2016

S.M.SUBRAMANIAM, J.

gpa/skr

W.P.No.43176 of 2016

20.09.2022