



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-06-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP No.5885 of 2014

A.Shanmugam

..Petitioner

vs.

1. The Deputy Inspector General of Police,
Crime Branch, CID,
O/o.The Inspector General of Police (Crime),
Chennai - 600 004.
2. The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore.
3. The Commissioner of Police,
Coimbatore City,
Coimbatore-18.
4. The Superintendent of Police,
Crime Branch, CID,
O/o.The Inspector General of Police (Crime),
Chennai - 600 004.

..Respondents

Writ Petition is filed under Article 226 of the Constitution of India, praying for the issuance of a Writ of Certiorarified Mandamus, calling for the records on the file of the third respondent herein in Na.Ka.No.2/74314/ 2010 dated 17.12.2013 and quash the same and to issue consequential directions to the respondents herein to promote the petitioner as Head Constable with effect from the date of his original order of promotion, i.e., 18.11.1989 and to declare that his probation in the post of Head Constable is completed on 17.11.1991, so as to enable him to receive all consequential benefits, on notional basis.

For Petitioner : Mr.I.Kabilan for
Mr.M.Ravi

For Respondents: Ms.S.Anitha,
Special Government Pleader.



O R D E R

The employees, who have slept over their rights, cannot wake up one fine morning and knock the doors of the Court for the purpose of redressal of their grievances, which all are otherwise lapsed on account of efflux of time.

2. In the present case, the writ petitioner was appointed as Grade-II Police Constable on 23.12.1985 and promoted as Grade-I Police Constable on 01.11.1989 and thereafter as Head Constable on 08.12.1989. The petitioner was promoted as Sub-Inspector of Police on 01.04.2003 and thereafter as Inspector of Police on 22.07.2011. Even at the time of filing of the present writ petition, the petitioner was working as Inspector of Police. However, the claim of the writ petitioner is that he is entitled to be promoted retrospectively in the cadre of Head Constable as the date of his promotion as Head Constable was erroneous.

3. The Courts have repeatedly held that in respect of seniority and promotions, settled seniority cannot be unsettled after lapse of several years. Admittedly, the petitioner was promoted as Head Constable during the year 1989 and at that point of time, the petitioner has not pursued the grievances vigilantly. Contrarily, he allowed the time to lapse and submitted an application on 07.10.2010, which was rejected by the third respondent in proceedings dated 17.12.2013, which is impugned in the present writ petition.

4. In the event of entertaining such belated claims, more-so, in the matter of seniority and promotion, the same will result in unsettling the settled position. Many persons would have been promoted after the year 1989 as Head Constable and those persons may be juniors or seniors to the petitioner. This exactly is the reason why the Courts have held that the settled position cannot be unsettled after lapse of many years.

5. The claim of the petitioner regarding retrospective promotion was rejected by the respondents mainly on the ground that as on 20.11.1991, when eligible persons were called for written test, the probation of the petitioner in the Cadre of Head Constable was not declared. He was promoted as Head Constable on 08.12.1989 and the probation in the said post of Head Constable was declared on 08.12.1989. However, the eligible persons were called for written examination on 20.11.1991 and on that day, the probation of the petitioner in the cadre of Head Constable was not declared.

6. Be that as it may, this Court is of the considered opinion that the petitioner had not pursued his promotion vigilantly and under these circumstances, the claim of the



petitioner for retrospective promotion in the cadre of Head Constable deserves no merit consideration.

7. Accordingly, the writ petition is devoid of merits and stands dismissed. However, there shall be no order as to costs.

Sd/-
Assistant Registrar(CS III)

/True Copy//

Sub Assistant Registrar

Svn

To

1. The Deputy Inspector General of Police,
Crime Branch, CID,
O/o.The Inspector General of Police (Crime),
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2. The Deputy Inspector General of Police,
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3. The Commissioner of Police,
Coimbatore City, Coimbatore-18.
4. The Superintendent of Police,
Crime Branch, CID,
O/o.The Inspector General of Police (Crime),
Chennai - 600 004.

+1cc to Mr.M.Ravi, Advocate, S.R.No.34013

+1 cc to the Government Pleader, Sr.No.34492(20/06/2022)

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