



W.P.No.31571 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 25.11.2022

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THE HONOURABLE Mr. JUSTICE ABDUL QUDDHOSE

W.P.No.31571 of 2022

S.Elango

.. Petitioner

Vs.

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

2.The Director General of Police
Kamarajar Salai
Mylapore, Chennai - 600 004.

3.The Commissioner of Police
132, EVK Sampath Road
Vepery, Periamet
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 confer notional promotion to the petitioner to the post of Inspector of Police, with effect from the date of completion of 10 years in the category of Sub-Inspector of Police, with all monetary and pensionary benefits, by considering the representation of the petitioner dated 03.08.2022.

For Petitioner : Mr.V.Ravikumar

For Respondents : Mr.L.S.M.Hasan Fizal



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Additional Government Pleader

ORDER

This writ petition has been filed for Mandamus, seeking for a direction to the respondents to confer notional promotion to the petitioner to the post of Inspector of Police with effect from the date of completion of 10 years service in the category of Sub-Inspector of Police with all monetary and pensionary benefits, based on the petitioner's representation dated 03.08.2022, within a time frame to be fixed by this Court.

2. The grievance of the petitioner is that even though he had worked as Sub Inspector of Police for more than 10 years, he was not granted promotion. He has also stated that his seniors as well as his juniors were granted promotion, but he was left out. The petitioner has also retired from service on 30.06.2018. The petitioner has given a representation on 03.08.2022 to the respondents, requesting for grant of notional promotion on completion of 10 years of his service. Since the representation has not been considered till date, he has filed this writ petition.



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3. Heard Mr.V.Ravikkumar, learned counsel for the petitioner.

Mr.L.S.M.Hasan Fizal, learned Additional Government Pleader accepts notice on behalf of the respondents.

4. At the outset, the learned Additional Government Pleader appearing for the respondents would submit that the petitioner has retired from service as early as on 30.06.2018 and therefore, at this stage, the petitioner's representation dated 03.08.2022 cannot be entertained.

5. However, the same is disputed by the learned counsel for the petitioner who would submit that continuously the petitioner has been making representations to the respondents requesting for grant of notional promotion and only due to their non-response, the petitioner has now filed this writ petition.

6. No prejudice would be caused to the respondents, if the petitioner's representation is considered on merits and in accordance with law, within a time frame to be fixed by this Court.



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7. This Court is not expressing any opinion on the petitioner's claim. It is for the respondents to consider the representation of the petitioner.

8. For the foregoing reasons, this Court directs the respondents to pass final order on merits and in accordance with law, on the petitioner's representation dated 03.08.2022, seeking for notional promotion from the date of completion of petitioner's ten years service in the cadre of Sub Inspector of Police, together with all monetary and pensionary benefits, within a period of four months from the date of receipt of a copy of this order.

9. With the aforesaid direction, this writ petition is disposed of. There shall be no order as to costs.

25.11.2022

Speaking Order/Non-speaking Order
Index : Yes / No
ds



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ABDUL QUDDHOSE.J.,

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