



W.P.No.23413 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.23413 of 2017

R.Udayakumar

...Petitioner

Vs.

1.The Principal Secretary to the Government,
Home (Police) Department,
Fort St. George,
Chennai - 09.

2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents 1 and 2 to promote the petitioner as Inspector of Police (AR) on par with his Junior with all consequential service and monetary benefits and grant such other further relief as this Honourable Court.



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For Petitioner : Mr.V.Hemnath
for Mr.P.Venkatraman

For Respondents : Mr.S.Rajesh
Government Advocate for R1 & R2

ORDER

The relief sought for in the present writ petition is to direct the respondents 1 and 2 to promote the petitioner as Inspector of Police (AR) on par with his junior will all consequential service and monetary benefits.

2.The petitioner was recruited as Grade II Police Constable. He was promoted to the post of Head Constable in the year 1986. Thereafter, he was promoted as Sub-Inspector of Police on 11.05.2006.

3.The grievance of the petitioner is that one Mr.Jeevarathinam was promoted to the post of Inspector of Police in proceedings dated 07.02.2017 and therefore, he should also be promoted to the post of Inspector of Police with retrospective effect. The petitioner even in his representation has not furnished the details regarding the appointment and promotions of the said Mr.Jeevarathinam. If



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at all an employee claims promotion with retrospective effect, he should established that his case was wrongly rejected for promotion along with his batch mates or on par with his juniors. In the absence of furnishing such details, the Courts would not be in a position to consider the relief for retrospective promotion. In the present case, the petitioner states that Mr.Jeevarathinam who was promoted as Sub Inspector of Police subsequent to the writ petitioner was included in the “C” list of Sub Inspector of Police fit for promotion to the post of Inspector of Police by an order dated 07.02.2017. However, the other facts are not made available. The petitioner even at the time of filing the writ petition was in verge of retirement and subsequently, retired from service. The representations submitted by the writ petitioner is also not clear with reference to the seniority position at various cadres and regarding the right of consideration along with other candidates. Thus, this Court is not in a position to consider the relief. However, the petitioner is at liberty to approach the authorities with clear facts and details along with dates and documents enabling the authorities to consider. That apart, promotion cannot be claimed as a right, however, consideration being a fundamental right. If the case of the writ petitioner was not considered when he was due for consideration then, the petitioner is eligible to seek the relief.



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S.M.SUBRAMANIAM, J.

SSR

4. With these observations, this writ petition stands disposed of. No Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes
ssr

To

1. The Principal Secretary to the Government,
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