



W.P.No.25988 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.10.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25988 of 2018

M.Sundaram

...Petitioner

Vs.

1.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai – 600 007.

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

..Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, calling for the records of the first Respondent relating to the order in Rc.No.Estt.V(1)/630/1054339/2009 dated 05.04.2018, to quash the same and to issue consequential directions to the Respondents to include the name of the Petitioner in the 'C' list of the year 1999-2000 for promotion as Sub Inspector of Police (AR) in Chennai City Police in the



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appropriate place therein and to promote the petitioner as Sub-Inspector of Police (AR) with retrospective effect from the date of promotion of his immediate junior with consequential service and monetary benefits of refixation of Pay, pensionary benefits and disburse the monetary benefits thereof within a time frame.

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

For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

The order impugned dated 05.04.2018, rejecting the claim of the writ petitioner for inclusion of his name in the 'C' list of the year 1999-2000, for promotion to the post of Sub Inspector of Police (AR) in Chennai City Police is under challenge in the present writ petition.

2.The petitioner is a retired Sub Inspector of Police. The petitioner states that he joined as a Police Constable in Armed Reserve Unit in Chennai City on 27.02.1986 and he was promoted as Lance Naik on 04.08.1990 and as Naik on 07.01.1993. He was further promoted to the post of Head Constable with effect



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from 25.09.1996 and thereafter, promoted as Reserve Sub Inspector of Police and retired from service on 30.11.2017.

3. After attaining the age of retirement, the petitioner had chosen to file the present writ petitioner on the ground that his name was erroneously not included in the 'C' list of the year 1999-2000, for promotion to the post of Sub Inspector of Police (AR). The petitioner states that there were wide spread malpractices in the selection in the year 1999-2000 and an enquiry was ordered and the then Additional Director General of Police submitted a report to the Government citing malpractices in the process of selection to the post of Sub Inspector of Police. The respondents have failed to maintain Annual Confidential Reports of the petitioner properly and necessary entries were not made in the relevant point of time, which resulted denial of promotion to the post of Sub Inspector of Police during the year 1999-2000. The petitioner contended that the respondents have not followed the procedures as contemplated and thus, he was denied promotion in an arbitrary manner.

4. The respondents have stated that pursuant to the report submitted by the



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then Additional General of Police, actions were initiated.

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5.The learned Government Advocate appearing on behalf of the respondents brought to the notice of this Court that nine persons were included in the appropriate place on the 'C' list for the year 1999-2000. After reviewing the matter, additional marks were granted to the said nine persons. The marks granted to those nine candidates after conducting the review are detailed as follows:

<i>S.No.</i>	<i>Name</i>	<i>Marks secured in the Range Promotion Board for the year 1999-2000</i>	<i>Addl. Marks in the review</i>	<i>Total Marks secured after review</i>	<i>Marks above cut off of 62.9</i>
1	C.Ganesan	58.8	5	63.8	0.9
2	N.Suresh	59.9	5	64.9	2
3	A.Subramanian	58.6	7	65.6	2.7
4	S.Vadivelu	60.5	5	65.5	2.6
5	V.Swarna Kumaran	60.8	4	64.8	1.9



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S.No.	Name	Marks secured in the Range Promotion Board for the year 1999-2000	Addl. Marks in the review	Total Marks secured after review	Marks above cut off of 62.9
6	P.K.Saffullah	52.9	10	62.9	-
7	Kumaresan	59.8	3.1	62.9	-
8	S.Balakrishnan	60.9	5	65.9	-
9	V.Dharmalingam	55.1	10	65.1	2.2

5. Therefore, due actions were taken in respect of the complaint and accordingly, additional marks were granted to the nine candidates. Even after grant of additional marks, the petitioner had secured lesser marks than the other candidates and therefore, he was not selected for promotion to the post of Sub Inspector of Police in the 'C' list of the year 1999-2000. The cut-off marks for selection was 62.9 marks. However, the petitioner Mr.M.Sundaram scored 45.5 marks. Thus, he was not within the zone of consideration and accordingly, not selected and promoted to the post of Sub Inspector of Police. However, he was subsequently promoted.



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6. Beyond the grounds raised in this writ petition, the petitioner filed the present writ petition after a lapse of many years. The petitioner admittedly retired from service on 30.11.2017. He filed the writ petition in the year 2018, seeking retrospective promotion by including his name in the panel of the year 1999-2000 and thus, the writ petition is liable to be rejected even on the ground of laches. However, the petitioner was not within the zone of consideration as he secured lesser marks than the cut-off marks for inclusion of names in the 'C' list of the year 1999-2000. Thus, the writ petition is devoid of merits and stands dismissed. No Costs.

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Index : Yes

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Internet : Yes

Speaking order : Yes

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To

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2. The Director General of Police,
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S.M.SUBRAMANIAM, J.

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