



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:19.04.2022

CORAM:

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P. (MD)No.8579 of 2020

&

WMP (MD)Nos.7947 & 7949 of 2020

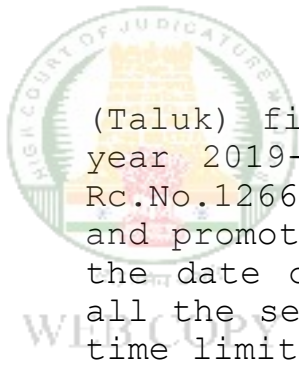
S.Arputhanantham

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Public (Police) Department,
Secretariat,
Chennai-600 009.
 2. The Director General of Police of Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.
 3. The Commissioner of Police,
Tirunelveli City,
Tirunelveli.
 4. The Principal Accountant General (A & E),
361, Anna Salai,
Teynampet,
Chennai-600 018.
 5. K.Anbalagan,
Inspector of Police (Rtd),
C/o. The Director General of Police of Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.
- ... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the order Rc.No.16336/NGB.1(1)/2019 dated 10.02.2020 passed by the 2nd respondent and quash the same and consequently, direct the respondents to include the name of the petitioner as Sl.No.95(A) i.e. above the petitioners junior Mr.K.Anbalagan (Sl.No.96) in the Panel of Sub Inspector of Police



(Taluk) fit for promotion as Inspector of Police (Taluk) for the year 2019-2020 (crucial dated 01.06.2019) published in the Memo Rc.No.12667/NGB-I(1) 2019 dated 30.07.2019 of the 2nd respondent and promote the petitioner as Inspector of Police (Taluk) prior to the date of retirement of the petitioner on 30.06.2019 and grant all the service, monetary and revised pensionary benefits within a time limit to be fixed by this Hon'ble Court.

For Petitioner	: Mr.A.Thirumurthy
For R1 to R3	: Mr.D.Sadiq Raja Additional Government Pleader
For R4	: Mr.P.Gunasekaran No Appearance

ORDER

The order of rejection rejecting the claim of the writ petitioner for promotion to the post of Inspector of Police issued in proceedings dated 10.02.2020, is under challenge in the present writ petition.

2.The petitioner was appointed as Grade-II Police Constable on 11.01.1982 and subsequently, promoted upto the post of Head Constable.

3.The grievance of the writ petitioner is that he is fully qualified for the promotion to the post of Inspector of Police. However, his case was not considered for promotion during the relevant point of time.

4.Even at the stage of promotion to the post of Sub-Inspector of Police, the petitioner filed a Writ Petition in W.P(MD)No.1053 of 2006 to direct the Superintendent of Police, Thoothukudi, to include the name of the petitioner in the 'C' list promotion panel for the year 2005-2006. This Court passed an order dated 04.02.2006 directing the respondents therein to consider his representation dated 20.01.2006. Thereafter, the rejection order passed by the respondent was challenged by the writ petitioner in W.P(MD)No.4824 of 2009 and the said writ petition was allowed. The Police Department filed writ appeal in W.A(MD)No.794 of 2013 and the said writ appeal was dismissed on 04.04.2017 subsequently, the petitioner was promoted notionally on par with his junior from 22.05.2006. Thus, the grievance of the writ petitioner is for retrospective promotion in the post of Sub-Inspector of Police was granted and redressed.

5.As far as promotion to the post of Inspector of Police is concerned, the name of the petitioner Thiru.S.Arputhanantham along with his batch mates were considered, while drawing the 'C' list



of Sub Inspector of Police (Taluk) fit for promotion as Inspector of Police (Taluk) for the panel year 2019-2020. The State Promotion Board for the panel year 2019-2020 was conducted on 29.07.2019. Unfortunately, the name of the writ petitioner was not considered due to the fact that the petitioner had attained the age of superannuation and retired from service on 30.06.2019, very specifically prior to the constitution of the State Promotion Committee.

6.The learned Additional Government Pleader appearing for the respondents 1 to 3 made a submission that the petitioner's batch mates and his immediate junior were promoted as Inspectors of Police (Taluk) only in the vacancies that arose in the rank of Inspectors of Police (Taluk) by way of promotion of Inspector of Police (Taluk) as Deputy Superintendent of Police (Cat-1) after the retirement of the writ petitioner. Therefore, it is made clear that none of the juniors to the petitioner were promoted to the post of Inspector of Police, when the petitioner was in service. When the petitioner was in service, his name was considered for promotion. However, at the time of Constitution of the State Promotion Board, the petitioner reached the age of superannuation and retired from service and none of his juniors were promoted, when the petitioner was in service and therefore, the claim now made in the present writ petition deserve no merits consideration. Accordingly, this Writ Petition is dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (C.O)

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/ /2022

Sub Assistant Registrar (CS)

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To

1. The Additional Chief Secretary to Government,
Public (Police) Department,
Secretariat,
Chennai-600 009.
2. The Director General of Police of Tamil Nadu,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

<https://hcservices.ecourts.gov.in/hcservices/>



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

4. The Principal Accountant General (A & E),
361, Anna Salai,
Teynampet,
Chennai-600 018.

+1 CC to M/s.A. THIRUMURTHY, Advocate (SR-19529[F] dated
19/04/2022)

+1 CC to M/s.SPL.GP. (SR-19732[F] dated 20/04/2022)

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USK/13.05.2022/4P/7C