



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2023

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

W.P No.2385 of 2023

P.A.Appasamy

Petitioner

.Vs.

1. The State of Tamil Nadu
Rep.by its Secretary to the Government
Home Department (Police)
Secretariat, Chennai-9.
2. The Director General of Police (HOPF)
Chief Office Mylapore
Chennai-4.
3. The Additional Director General of Police(Admin)
Chief Office Mylapore
Chennai-4.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents more particularly 1st and 2nd respondents to consider the representation of the petitioner dated 06.12.2022 and accordingly grant retrospective promotion to the petitioner to the post of Superintendent of Police (SP Cat-1) by including the name in the panel year for the year 2022-2023 notionally for the purposes of fixation of salary and pensionary benefits.



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For Petitioner : Mr.C.Mahendran

For Respondents : Mr.Stalin Abhimanyu
Additional Government Pleader

ORDER

This writ petition has been filed for the issue of a writ of mandamus directing the respondents to consider the representation made by the petitioner and to grant him retrospective promotion to the post of Superintendent of Police (SP Cat-I) by including the name of the petitioner in the panel for the year 2022-2023 and to give all the attendant benefits.

2.The petitioner had earlier approached this Court and sought for a direction to the respondents to grant retrospective promotion to the petitioner to the post of Inspector of Police, by including his name notionally in the promotion panel in the year 1997-1998. The writ petition filed by the petitioner in W.P.No.32000/2022, was disposed of by this Court by an order dated 30.11.2022, by issuing appropriate directions.



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3. Pursuant to the orders passed by this Court, the name of the petitioner was recommended to be included in the 'C' list for promotion to the post of Inspector of Police for the year 1997-1998, to the post of Deputy Superintendent of Police for the year 2009-2010 and to the post of Additional Superintendent of Police for the petitioner for the year 2018-2019. This recommendation was made by the Commissioner, Avadi, through proceedings dated 21.12.2022.

5. Pursuant to the above, the name of the petitioner was included for promotion as Inspector of Police for the year 1997-1998. The grievance of the petitioner is that the panel has been prepared for the post of Superintendent of Police for the year 2022-2023 and there is absolutely no further progress and that the petitioner is going to retire with effect from 31.01.2023. It is under these circumstances, the present writ petition has been filed before this Court.

6. When the matter came up for hearing today, the learned Additional Government Pleader appearing on behalf of the respondents produced the proceedings of the Director General of Police dt.25.01.2023, addressed to the Additional Chief Secretary to Government, Home Department, Chennai-9. On



carefully going through the same, it is seen that a recommendation has been made to the effect that the petitioner is fit for appointment by recruitment as transfer as Deputy Superintendent of Police (Category-I) for year 2009-2010. Accordingly, an approval has been sought for from the Government.

7.Heard Mr.C.Mahendran, learned counsel for the petitioner and Mr.Stalin Abhimanyu, learned Additional Government Pleader appearing on behalf of the respondents.

8.It is clear from the proceedings of the Director General of Police dt.25.01.2023 that the name of the petitioner is now under consideration for being included in the panel of Deputy Superintendent of Police for the year 2009-2010. Only on completion of this process, the subsequent promotion that has been sought for by the petitioner will be considered. Even if the petitioner retires in the meantime, the entitlement of the petitioner to be considered for promotion to the post of Additional Deputy Superintendent of Police cannot be denied, if the petitioner is otherwise qualified and satisfies the requirements. In such a case, the attendant benefits to which the petitioner is entitled for the said post will be given to the petitioner.



9. In the light of the above discussion, there shall be a direction to the 1st and 2nd respondents to consider the representation made by the petitioner and pass final orders within a period of **four weeks** from the date of receipt of copy of this order. A short time is fixed by this Court considering the fact that the petitioner is attaining superannuation on 31.01.2023.

10. This writ petition is disposed of with the above directions. No costs.

30.01.2023

Index : Yes/No
Internet : Yes
Speaking Order/Non-Speaking Order
Neutral Citation Case : Yes/No
KP

Note: Issue order copy on **31.01.2023**

To

1. The State of Tamil Nadu
Rep. by its Secretary to the Government
Home Department (Police)
Secretariat, Chennai-9.
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Chief Office Mylapore
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N. ANAND VENKATESH, J.

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