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W.P.No.29381 of 2010

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.08.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.29381 of 2010

R.Ramesh

... Petitioner

Vs.

- 1.The Director General of Police,
Mylapore, Chennai 600 004
- 2.The Commissioner of Police,
Egmore, Chennai 600 008

... Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue a Writ of Mandamus directing the Respondents herein to include the name of the petitioner in the C-List of Head Constables fit for promotion as Sub Inspectors for the Recruitment conducted by the State Board in the year 1999-2000 and further direct the Respondents to grant all service and monetary benefits in the event of the petitioner being promoted as Sub Inspector from the year 1999-2000.

For Petitioner : Ms.K.Soundarya
for Mr.T.T.Ravichandran

For Respondents : Mr.M.Muthusamy,
Government Advocate



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ORDER

The prayer in this writ petition is for a writ of mandamus, directing the respondents herein to include the name of the petitioner in the C-List of Head Constables fit for promotion as Sub Inspectors for the Recruitment conducted in the year 1999-2000 and further direct the respondents to grant all service and monetary benefits in the event of the petitioner being promoted as Sub Inspectors from the year 1999-2000.

2. The short facts leading to the filing of the writ petition were that the petitioner was enlisted as Constable in the year 1986. Thereafter, he was promoted as Head Constable. After having worked as such, the petitioner has to be considered for promotion as Sub Inspectors of Police. Even though the petitioner was temporarily promoted, no benefits of permanent promotion was conferred on him and the petitioner even after several years of services is still continuing as Sub Inspectors of Police. Most of his juniors have been given promotion as Sub Inspectors of Police and were given further promotion. When that being so, the inaction on the part of the respondents in considering the case of the petitioner for



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promotion is bad and therefore, the petitioner has come out with this writ petition.

3. Heard, the learned counsel appearing on either side.

4. It is seen that this Court already disposed of a similar matter by directing the respondents therein to consider the case of the petitioners therein by seeking relaxation from the State Government under Rule 39 of the Tamil Nadu Police Subordinate Service Rules. Therefore, the petitioner, being a similarly placed person, is also entitled for the same relief.

5. Accordingly, this writ petition is disposed of with the following directions:

(1) that the case of the petitioner seeking promotion from the date of his juniors have been promoted shall be considered by the respondents by seeking relaxation from the State Government under Rule 39 of the Tamil Nadu Police Subordinate Service Rules.



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(2) If such a proposal is submitted to the State Government for relaxation of the rule by invoking Rule 39 of the said rule, the needful shall be done by the State Government within a period of three months from the date of receipt of such proposal and there upon pass orders on merits and in accordance with law, considering the long services of the petitioner as well as the fact that he had participated in the pre-promotional test conducted in 1999-2000 where they obtained more than 57 marks.

There shall be no order as to costs.

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Internet: Yes

Index: Yes/No

Speaking/Non-speaking order
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To

- 1.The Director General of Police,
Mylapore, Chennai 600 004
- 2.The Commissioner of Police,
Egmore, Chennai 600 008
3. The Government Advocate,
High Court, Madras.



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G.K.ILANTHIRAIYAN, J.

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