



W.P.No.9482 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

<i>Reserved on</i>	08.11.2023
<i>Pronounced on</i>	27.11.2023

CORAM :
THE HONOURABLE Dr. JUSTICE D.NAGARJUN

Writ Petition No.9482 of 2015

Mr.S.Anand

... Petitioner

Vs.

1.The Inspector of Police,
State Police Band, Chief Office,
Office of the Director General of Police,
Chennai – 4.

2.The Inspector of Police (Admin.,)
Office of the Director General of Police,
Chennai – 4.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying to issue a writ of Mandamus directing respondents to consider petitioner representation dated 27.03.2015 to promote the petitioner as police constable on par with others who joint along with the petitioner and to direct the respondent to pay all back wages.

For Petitioner : Mr.T.Arockia Dass
for M/s.Dass Law Associates



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For Respondents : Mr.R.U.Dinesh Rajkumar
Additional Government Pleader

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ORDER

This writ petition is filed seeking Mandamus, directing the respondents to consider the representation of the petitioner dated 27.03.2015 and promote the petitioner as Police Constable.

2. The petitioner joined respondent's police service as a Band Boy as per the proceedings Ref.No.RC.No.125044/staff I(1)/2010-C.O.O No.194/2010 dated 30.11.2010. He has participated in several functions in Governor Bungalow and other Government official functions like Republic Day and Independence Day etc., The petitioner was being paid Rs.1500/- as stipend. He has completed four years of successful service, thereby, eligible to be promoted as Police Constable in the State Police Band. The other persons, who joined during the period of the petitioner by name Mr.L.Xavier, Mr.D.Sagayaraj and Mr.J.Nirmal Kumar were promoted as Police Constable and getting a monthly salary of Rs.7,000/-

3. The petitioner has submitted a representation to the respondents on



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27.03.2015 with a request to promote him as Police Constable, however, there was no response. Thereby, this writ petition.

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4. The Senior Administrative Officer in the office of Director General of Police filed a counter affidavit stating that the petitioner was appointed as Band Boy and was instructed to undergo a training in Band Music under a Band Master. The persons by name Mr.Xavier and others referred by the petitioner were joined on 28.05.2010, whereas, the petitioner, joined as a band boy on 30.11.2010 and he is being paid Rs.1500/- towards pocket money. The petitioner was not informed regarding promotion of Police Constable in a State Police Band.

5. It is further mention in the counter affidavit that, as per the G.O (Ms) No.877, Home (Pol.IX) Department dated 05.10.2005, the Band Boys in the State Police Band, who are paid stipend as a pocket money shall be considered for the recruitment as Band Police Constables by granting required exemption from the norms of physical standards, age, educational qualification etc., and that there were about 423 vacancies in the rank of



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Band Police Constable in the State Police Band in all the districts of Tamil Nadu and as and when recruitment is taken out, the request of the petitioner for recruitment of Band Police Constable by granting requisite exemption will be considered as per paragraph 4 (ii) (f) of the G.O.Ms.No.877 Home (Pol.IX) Department dated 05.10.2005 .

6. Heard the learned counsel on either side and perused the materials available on record.

7. The Division Bench of this Court in W.A.No.2475 of 2018 dated 30.08.2019 after elaborately discussing the nature of duties of Police Constable and the nature of duties of Bugler Police Constables, ruled that there is no rule to promote or transfer the persons of the Band Police Constable or Bugler Police Constable as Grade-II Constables. Consequently, in the said writ petition, the request of the petitioner therein to appoint him as Police Constable Grade-II from Bugler Police Constable or Band Constable was rejected.



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8. The respondents however in the counter affidavit mentioned that the petitioner, who has been working as a Band Boy will be considered as Band Police Constable in the existing vacancies during the course of next recruitment, if necessary by relaxing the age, educational qualification and physical standards.

9. Considering the above, this petition is disposed of directing the respondents to dispose of the representation of the petitioner dated 27.03.2015 and reply suitably, by following the procedure known to law as expeditiously as possible.

27.11.2023

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Index : Yes/No
Speaking Order : Yes/No
Neutral Citation : Yes/No



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D.NAGARJUN,J.

vm

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