



WP No. 13183 / 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.01.2024

CORAM :

THE HONOURABLE DR. JUSTICE D. NAGARJUN

Writ Petition No. 13183 of 2016

R. Pushpavalli

...Petitioner

Versus

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George,
Chennai – 600 009.

2.The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore, Chennai – 600 004.

... Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India praying for a Writ of Mandamus directing the respondents to consider and pass orders on the claim of the petitioner for promotion as Woman Inspector of Police in the light of the representation made by the petitioner dated 03.03.2016 within a reasonable.

For Petitioner : Mr. M. Vignesh Raj for
Mr. M. Muthappan.

For Respondents : Mr. P. Gurunathan,
Additional Government Pleader.



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ORDER

The petitioner was initially appointed as Woman Police Constable Grade II along with 45 others basing on the ad hoc rules of recruitment. Basing on G.O. Ms. No. 2471, Home (Pol.II) Department dated 27.09.1982, all Woman Police Constables Grade II were upgraded as Grade I from the date of appointment thereby her appointment is deemed to be as Grade I from the date of inception. The petitioner was further upgraded as Head Constable on 09.12.1996 and as Woman Sub Inspector from 15.10.2004. However, there were no service rules applicable to her and her promotion were considered on ad hoc based rules.

2. According to the petitioner, Men Police are considered for promotion basing on seniority and availability of vacancies and they are promoted as Grade I, Head Constable and promoted further, however, in the absence of rules, there were no promotion to the Grade II Woman Police Constables. It is further submitted that there is total discrimination and arbitrariness in case of promotion of Woman Constables when compared to Men. The petitioner has given representation to the respondents to consider her for promotion as



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Inspector of Police from Sub Inspector and it was not considered and therefore, she has approached this Court.

3.The learned Additional Government Pleader while taking this Court to a part of the counter affidavit has submitted that the petitioner and others are being promoted from time to time on par with the Men Constables. It is also submitted that it took 24 years of service for the petitioner to become Sub Inspector of Police whereas for the same cadre it took 25 years for men. The petitioner and her batch mates are being promoted from time to time as per the vacancies and availability.

4.Heard both sides. On perusal of records, it is clear that though the petitioner contended that there are no service rules pertaining to Woman Constabulary, the promotions were being given from time to time on ad hoc basis and petitioner was accordingly promoted as Woman Sub Inspector of Police. Considering the submissions of the respondents, it is clear that the petitioner and her batch mates were promoted earlier than similarly placed Men Constables. There is no material placed before this Court to show that Women Constables were being discriminated when compared to Men Constables. Further, it is brought



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to the notice of this Court that the petitioner was retired from service.

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5. It is further submitted that the representation of the petitioner dated 03.06.2016 filed before the respondent police has not yet disposed of. Since the petitioner has alleged discrimination among the men and women constables in terms of promotion and since the representation has already been give by the petitioner, it should have been disposed of by way of giving suitable reply.

6.Considering the submissions made on either side and the facts and circumstances of the case, this writ petition is disposed of with a direction to the respondents to consider and dispose of the petitioner's representation dated 03.06.2016 as quickly as possible not less than a period of six weeks from the date of receipt of a copy of this order. No costs.

11.01.2024

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Index: Yes/No

Speaking Order / Non-Speaking Order

Neutral Citation: Yes / No



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