



W.P.No.13152 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.06.2024

CORAM :

THE HON'BLE MR.JUSTICE D.BHARATHA CHAKRAVARTHY

W.P.No.13152 of 2024

A.Theethagiri

.. Petitioner

Versus

1. The Director General of Police,
Mylapore,
Chennai - 600 004.
 2. The Joint Commissioner of Police,
North Region,
Thondiarpet,
Chennai - 600 081.
 3. The Deputy Inspector General of Police,
Salem Range,
Salem.
 4. The Superintendent of Police,
Krishnagiri District,
Krishnagiri.
- .. Respondents

Prayer : Writ Petition filed under Article 226 of the Constitution of India, pleased to issue a Writ of Mandamus to direct the respondents to consider the petitioner's representation, dated 28.04.2024 and consequently, to include the petitioner name in the list as per the order of the 2nd respondent



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vide Na.Ka.No.PaBee2(1)/3317/2024, dated 24.04.2024 as on before preparation of the list which scheduled on 01.06.2024.

For Petitioner : Mr.P.Rajmani,
for Mr.R.Balaguru Swamy

For Respondents : Mr.C.Jayaprakash,
Government Advocate

ORDER

This petition is filed for a direction to consider the representation of the petitioner, dated 28.04.2024 and consequently, to include the petitioner's name in the list as per the order of the second respondent, dated 24.04.2024.

2. The case of the petitioner is that when the writ petitioner was earlier dismissed from service and when the punishment was modified as a reduction in pay by two stages for two years, the petitioner underwent the said punishment and completed the same. Therefore, upon completion of 25 years of service, the respondents ought to have promoted the petitioner to the post of Special Sub-Inspector of Police.



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3. The Writ Petition is resisted by the respondents. The details of earlier punishment granted and the service particulars are detailed in paragraph No.3 of the counter-affidavit. The respondents have further stated the reason for not promoting the petitioner to the post of Special Sub-Inspector of Police in paragraph No.6 of the counter-affidavit which reads as follows :-

" 6) As per the Government Orders in G.O.Ms.No.937 Home (Police 3) Department, dated 21.07.1998, the Government have introduced the scheme of upgradation as SSI for which police personnel appointed as Gr II PC should have completed 25 years of service, out of which 10 years they should have served as Head Constable. Since, the petitioner has upgraded as Head Constable on 01.03.2019 FN, he will complete 10 years of service in the rank of Head Constable only on 01.03.2029. Hence the petitioner is not eligible to be upgraded as a Special Sub Inspector of Police now and he is eligible for SSI only from 01.03.2009."

Thus, when the petitioner has been upgraded as Head Constable only with effect from 01.03.2019 and as per the rule, he has to function as Head Constable atleast for ten years, the petitioner cannot claim promotion to the post of Sub-Inspector of Police.

4. Accordingly, finding no merits in the claim of the petitioner, this Writ Petition is dismissed. There shall be no order as to costs.



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Neutral Citation : no
grs

To

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D.BHARATHA CHAKRAVARTHY, J.

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