



W.P. No.11431 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2024

CORAM :

THE HONOURABLE MR. JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.11431 of 2014

D.Rajamani

... Petitioner

Vs.

1.The Principal Secretary to Government,
Home Department,
Secretariat, Fort St. George,
Chennai – 9.

2.The Director General of Police,
Tamilnadu,
Mylapore, Chennai – 4.

3.The Commissioner of Police,
Greater Chennai Police,
Vepery, Chennai.

...Respondents

PRAYER : Writ Petition filed under Article 226 of the Constitution of India, praying for issuance of Writ of Mandamus to direct the respondents to include the name of the petitioner in the “C” list of the year 1991-1992 and promote him as Sub-Inspector, and Inspector of police with retrospective effect with all consequential service and monetary benefits.

For Petitioner : Mr.Prem Narayan



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For respondents : Mr.Vadivelu Deenadayalan
Additional Government Pleader.

ORDER

The petitioner herein, who was initially appointed as 'Constable' was subsequently promoted to the post of 'Head Constable' and then he was temporarily appointed to the post of 'Sub-Inspector of Police'. The petitioner, on having come to know that, one S.Megakumar, who was also appointed like the petitioner herein, as 'Constable Grade-II', was extended the benefit of relaxation of Rule 3(d) of the Special Rules for Tamil Nadu Police Sub-ordinate Service Rules (hereinafter referred to as 'the Special Rules' for short) in exercise of power under Rule 39 of the Special Rules by issuing G.O (Ms) No.349, Home (Prisons-3) Department, dated 14.03.2008, made a claim for extending the similar benefits as well as notional promotion from the years 1991-1992 by including their names in the 'C-List' of eligible 'Head Constables' for promotion to the post of 'Sub-Inspector of Police'. The petitioner herein sought for a writ of mandamus to direct the respondents to include the name of the petitioner therein in the 'C-List', eligible for promotion to the post of 'Sub-Inspector of Police' for the years 1991-1992. The basis for the petitioner in this writ petition to seek the relief is G.O (Ms) No.349, Home



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(Prisons-3) Department, dated 14.03.2008 issued in favour of one S.Megakumar. The validity of the said Government Order is considered by this Court in W.P.No.1694 of 2010 and batch by a common order dated 10.09.2024 and the said Government Order is quashed by this Court.

2. In the light of the said order dated 10.09.2024 passed in W.P.No.1694 of 2010 and batch, the entire basis for the claim that is being made by the petitioner in this writ petition is no more available. In addition to the said Government Order, the petitioner have also placed reliance on various other orders issued by the Respondent No.2, extending the benefit of notional promotion to some of the persons, who are similarly situated like the petitioner in this writ petition, who is also stated to be junior to the petitioner in the cadre of 'Constable, Grade-II' and 'Head Constable' is concerned, the same cannot be directed to be extended to the petitioner, as this Court has already decided the same issue in W.P.No.1694 of 2010 and batch dated 10.09.2024 and any such benefit of notional promotion extended is found to be illegal, this Court is not inclined to issue a writ of mandamus to direct the respondent to perpetuate the illegality committed by them by issuing the said proceedings, including the proceedings bearing



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RC.No.129431/NGB.V(2)/2010 dated 30.08.2011 issued by the Respondent

No.2.

3. However, the contention of Mr.Prem Narayan, learned counsel that the petitioner was not considered for promotion to the post of 'Sub-Inspector of Police' and further promotions in his own turn and seniority is concerned, it is always open for the petitioner to approach the Respondents 2 and 3 in case of any such grievance claiming for seniority and promotion as per his own entitlement without reference to relaxation of the Rules. In case, if the petitioner in this writ petition make any claim for considering his case for promotion to the post of 'Sub-Inspector of Police, Inspector of Police' and further promotions, basing upon his seniority and eligibility, the Respondents 1 and 3 shall consider the same in accordance with law and pass orders as expeditiously as possible at any rate within a period of four weeks from the date of making of such claim by the petitioner.

4. Subject to the above observations, this Writ Petition is dismissed. There shall be no order as to costs. Connected Miscellaneous Petitions, if any shall stand closed.

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MUMMINENI SUDHEER KUMAR,J.

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