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W.P.No.3342 to 3344 of



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.10.2024

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THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.3342 to 3344 of 2014

M.Mohan	... Petitioner in W.P.No.3342 of 2014
N.Rajendiran	... Petitioner in W.P.No.3343 of 2014
K.Jaffer Ali	... Petitioner in W.P.No.3344 of 2014

Vs.

1. The Principal Secretary to Government,
Home (Police-3) Department,
Fort St. George, Chennai – 600 009.
2. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 600 004.
3. S.Sorimuthu
4. G.Manavalan
5. N.Anandan
6. A.Rathinam
7. P.Rajan
8. M.Pechimuthu



9. T.Krishnaraj

10. A.Jayabalan

11. K.Srinivasan

... Respondents in all writ petitions

Common Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the proceedings of the 1st respondent in G.O. (D) No.847, Home (Police 3) Department dated 17.10.2013 and quash the same with the consequential direction, directing the respondents 1 to 2 to promote the petitioner with effect from the year 1991-92 in the light of G.O. (Ms) No.82, Home (Police 3) Department, dated 3.2.2011 and G.O. (Ms) No. 390, Home (Police 3) Department, dated 17.6.2013 as in the case of respondents 3 to 11 and include the petitioner in the C list of Head Constables (Armed Reserve) for the year 1991-92 together with attendant monetary benefits and perks.

In all Writ Petitions

For Petitioners : Mr.R.Anish Kumar

For Respondents : Mr.R.Vadivelu Deenadayalan

COMMON ORDER

These writ petitions have been filed questioning the orders passed by the Respondent No.1 in G.O (D) No.847, Home (Police 3) Department, dated 17.10.2013, whereby the claim of the petitioners to extend the benefit of promotion on par with the persons, who are benefited by virtue of the order



passed by the Government in G.O (Ms) No.82, Home (Police 3) Department, dated 03.02.2011 and G.O (Ms) No.390, Home (Police 3) Department, dated 17.06.2013 and sought for a consequential direction to promote the petitioner in terms of G.O (Ms) No.82, Home (Police 3) Department, dated 03.02.2011 and G.O (Ms) No.390, Home (Police 3) Department, dated 17.06.2013.

2. The basis for issuing G.O (Ms) No.82, Home (Police 3) Department, dated 03.02.2011 and G.O (Ms) No.390, Home (Police 3) Department, dated 17.06.2013 is G.O (Ms) No.349, Home (Prisons-3) Department dated 14.03.2008. The validity of G.O (Ms) No.349, Home (Prisons-3) Department, dated 14.03.2008 was challenged in W.P.No.1694 of 2010 and batch and this Court by an order, dated 10.09.2024 quashed the said G.O (Ms) No.349, Home (Prisons-3) Department dated 14.03.2008.

3. 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 petitioners in this batch of writ petitions is no more available. In addition to the said Government Order, some of the petitioners have also placed reliance on various other orders issued by the Respondent No.2,



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extending the benefit of notional promotion to some of the persons, who are similarly situated like the petitioners in this batch of writ petitions, who are also stated to be juniors to some of the petitioners in the cadre of 'Constable, Grade-II' and 'Head Constable' is concerned, the same cannot be directed to be extended to the petitioners, 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 RC.No.129431/NGB.V(2)/2010 dated 30.08.2011 issued by the Respondent No.2.

4. Though this Court is fully convinced that the said proceedings dated 30.08.2011 is not in conformity with the law, is not inclined to interfere with the same, as the beneficiaries of the said proceedings are not impleaded as party respondents to this batch of writ petitions.

5. However, the contention of Mr.Prabakaran, learned Senior Counsel that the petitioners were not considered for promotion to the post of



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'Sub-Inspector of Police' and further promotions in their own turn and seniority is concerned, it is always open for the petitioners to approach the Respondents 2 and 3 in case of any such grievance claiming for seniority and promotion as per their own entitlement without reference to relaxation of the Rules. In case, if the petitioners in this batch of writ petitions make any claim for considering their cases for promotion to the post of 'Sub-Inspector of Police, Inspector of Police' and further promotions, basing upon their 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 respective petitioners.

6. Subject to the above observations, these writ petitions are dismissed.

There shall be no order as to costs. Connected Miscellaneous Petitions, if any shall stand closed.

29.10.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



To

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