



W.P.No.14351 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.04.2024

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THE HONOURABLE MRS. **JUSTICE R.KALAIMATHI**

W.P.No.14351 of 2014
and M.P.No.2 of 2014

N.Sadakadhulla

... Petitioner

vs.

1. The Additional Director General of Police,
Armed Police, Kilpauk,
Chennai 600 010.

2. The Commandant,
Tamil Nadu Special Police,
VII Battalion, Thihar Central Prison,
New Delhi 110 058.

3. The Superintendent of Police,
Q Branch C.I.D.,
Chennai 600 004.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India to issue a Writ of Certiorari, calling for the records relating to the proceedings in Rc.No.A1/26969/2010/R.O.No.141/2014 dated 28.05.2014 on the file of the first respondent and to quash the same.



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For Petitioner : M/s.P.Raja

For Respondents : Mrs.C.Sangamithirai
Spl.Govt.Pleader.

ORDER

The petitioner has challenged the impugned order dated 28.05.2014 Rc.No.A1/26969/2010/R.O.No.141/2014 on the file of the first respondent and to quash the same.

2. The petitioner was appointed as Police Constable on 31.10.1997. He was serving as Havildar(General) in Tamil Nadu Special Police, VIII Battalion, Thihar Central Prison, New Delhi. The petitioner's name was included in the 'C' list by the Chairman, Armed Police Range Promotion Board as he was found to be fit to be promoted as Sub-Inspector of Police for the year 2010-2011 and he was promoted to the post of Sub-Inspector (General) by proceedings dated 14.09.2010 in Rc.No.A1/12908/2010 in R.O.No.321/2010 on the file of the Inspector General of Police Armed Police. He was placed in the said promotion list as Sl.No.40.



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3. The petitioner further submits that the said order of promotion was cancelled by the first respondent by way of proceedings dated 19.11.2010 stating that his name was placed in the combined seniority list taking into account the said appointment as 31.10.1997 instead of 31.10.1997 afternoon.

4. Aggrieved by the said order, the petitioner filed a writ petition in W.P.No.9385 of 2011 and by an order dated 06.03.2013 passed by this Court. The same was allowed by setting aside the order and a direction was given to the first respondent to pass order afresh, on merits, after affording an opportunity to the petitioner.

5. The petitioner further submits that after receiving the order dated 06.03.2013 passed in W.P.No.26965 of 2010, the first respondent had cancelled the revision orders by an order dated 06.08.2013 and issued a show cause notice dated 06.08.2013 as to why they should not be removed from 'C' list of Havildhars(General) fit for promotion as Sub-Inspector of Police (General) for the year 2010-2011. Subsequently, the petitioner's promotion was cancelled by the first respondent in his proceedings dated 28.05.2014 as mentioned supra. As the order is passed in violation of principle of natural justice, this writ petition has been filed.



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6. Heard Mr.P.Raja, learned counsel appearing for the petitioner and Mrs.C.Sangamithrai, learned Special Government Pleader for the respondents.

7. The learned Special Government Pleader submits that pursuant to the order passed in W.P.No.14410 of 2020 dated 24.08.2021 which was confirmed in W.A.No.732 of 2022 dated 08.11.2023, it appears that the SLP was preferred by the Government and the same was dismissed. As per direction of this Court in W.P.No.14410 of 2020 dated 24.08.2021, as the writ petitioner along with his batchmates who were recruited as Grade II Police Constable on 31.10.1997 afternoon and 01.11.1997 (second batch) are eligible for promotion based on their seniority on par with his batchmates who were enlisted as Grade II Police Constable on 16.04.1997 (first batch) as Sub-Inspector of Police in the 'C' list for the year 2009-2010 in accordance with PRS marks as per Rule 24(d) of the Tamil Nadu Special Police Subordinate Service Rules, 1978.

8. Accordingly, the seniority list was revised and the petitioner's name stands in Sl.No.40, by the proceedings of the first respondent, Additional



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Director General of Police, Armed Police, Chennai 10, dated **21.02.2024** and the revised seniority list was drawn. It is brought to the notice of this Court, the same issue was covered in W.P.No.14410 of 2020 which was disposed of dated 24.08.2021 and the same was confirmed in W.A.No.732 of 2022 dated 08.11.2023 and subsequently, SLP was also dismissed.

9. Therefore, based on the aforesaid discussions, accordingly, this writ petition is disposed of . No costs. Consequently, connected miscellaneous petition is closed.

30.04.2024

Index : Yes/No
Neutral Citation : Yes/No
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R.KALAIMATHI, J.,

kkd

To



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Chennai 600 010.

2. The Commandant,
Tamil Nadu Special Police,
VII Battalion,
Pochampalli.

3. The Superintendent of Police,
Security Branch C.I.D.,
Chennai 600 028.

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