



WEB COPY



W.P.No.29269 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 24.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

W.P.No.29269 of 2014

and

M.P.No.1 of 2014

P.Subramanian

....Petitioner

Vs

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

....Respondent

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Certiorarified Mandamus calling for the records connected with the Government letter issued in Letter No.742/Pol.I/2013-1 dated 06.02.2014 passed by the Respondent and consequently direct the respondent to include the petitioner name in the panel for the post of Additional Superintendent of Police for the year 2011-2012 notionally with all consequential benefits.

For Petitioner : Mr.S.Ilamvaludhi

For Respondent : Mr.Stalin Abimanyu
Additional Government Pleader



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ORDER

The Writ Petition has been filed challenging the order of the respondent in Letter No.742/Pol.I/2013-1 dated 06.02.2014 and for consequential direction to include the name of the petitioner in the panel for the post of the Additional Superintendent of Police for the year 2011-2012 notionally with all consequential benefits.

2.1 It is the case of the petitioner that he has joined the Police Department as Police Constable in the year 1976 and retired from the service as Assistant Commissioner of Police. Initially, he was promoted as Sub Inspector of Police in the year 1985 and was promoted as Inspector of Police on 05.11.1999. Thereafter by an order dated 06.10.2008, he was promoted as Assistant Commissioner of Police by appointment by transfer.

2.2. It is the further case of the petitioner that he is eligible to be promoted the post of Additional Superintendent of Police in the year 2011-2012, but however when the panel was prepared, the name of the petitioner was not included and he retired from service on 31.08.2012. When the petitioner had submitted a representation in this regard, it came to be



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rejected on 06.02.2014, which is the subject matter of challenge in the present Writ Petition.

3.1 Mr.S.Ilamvaludhi, learned counsel appearing for the petitioner fairly submitted that, when the petitioner had sought for promotion for the post of Additional Superintendent of Police, as per Rule **4E of Special Rules for the Tamil Nadu Police Service**, the incumbent must have been worked for a period of four years in the post of Assistant Commissioner of Police.

3.2 As far as the instant case is concerned, the petitioner was appointed as Assistant Commissioner of Police on 06.10.2008 and the crucial date to be considered for being included in the panel was 31.08.2012. When the panel was prepared for the post of Additional Superintendent of Police, on crucial date ie., on 31.08.2012, the petitioner admittedly had not worked for a period of four years from the date of his appointment as Assistant Commissioner of Police ie., on 06.10.2008. Since there was a shortfall of four months, he was not included in the panel. Even prior to this, petitioner had retired from service in the post of Assistant Commissioner of Police as early as on 31.08.2012.



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3.3 Admittedly, since the petitioner had not worked for a period of four years satisfaction to the **Rule 4E of Special Rules for the Tamil Nadu Police Service** and the name of the petitioner was not included and prior to reaching the zone of consideration, he retired from service. In the said circumstances, petitioner's name was not included in the panel and as such the impugned order was passed rejecting the claim.

4. In view of the above, this Writ Petition is dismissed. Consequently, connected miscellaneous petition is closed. No costs.

24.09.2024

Index :Yes/No
Neutral Citation : Yes
Speaking order : Yes
Sma

To

The Deputy Secretary to Government,
Home (Police) Department,
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G.ARUL MURUGAN, J

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