



WEB COPY



W.P.No. 23317 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.02.2024

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THE HONOURABLE MR.JUSTICE BATTU DEVANAND

W.P.No. 23317 of 2019

and

W.M.P.No. 23064 of 2019

R. Thirumalai

... Petitioner

Vs.

1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai – 9.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4.

... Respondents

Writ petition is filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents to consider the claim of the petitioner for promotion as Deputy Superintendent of Police, Category-I for the panel year 2018-19 issued by the first respondent in G.O.Ms.No.375, Home (Pol.II) Department dated 24.07.2019 and promote him as Deputy Superintendent of Police, Category-I by transfer of service and grant him all consequential service and monetary benefits at par with his juniors and grant such other further relief as this Court may deem fit in the circumstances of the case and thus render justice.

For Petitioner : Mr. M. Muthappan

For Respondents : Mrs. Akila Rajendran,
Government Advocate



ORDER

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This Writ Petition has been filed seeking a writ of mandamus directing the respondents to consider the claim of the petitioner for promotion as Deputy Superintendent of Police, Category-I for the panel year 2018-19 and to promote him as Deputy Superintendent of Police, Category-I by transfer of service and grant him all consequential service and monetary benefits on par with his juniors.

2. On behalf of respondents, a counter affidavit has been filed.

3. At paragraph No.13 of the counter, it is averred as extracted herein under: -

"13. It is further submitted that the prayer of the petitioner for promotion as Deputy Superintendent of Police has already been complied partially by including his name in the temporary panel of Inspectors of Police (Taluk) fit for appointment by recruitment by transfer as Deputy Superintendent of Police (Category-1) for the year 2019-2020 at Sl.No.19 and promoted as Deputy Superintendent of Police (Category-1) on 09.09.2020 and now serving as Deputy Superintendent of Police (Category-1), District Crime Branch, Ramanathapuram District and his further revision of seniority in the rank of Deputy Superintendent of Police (Category-1) for the panel year 2018-2019 at Sl.No.35(A) is under active consideration of the



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Government and orders will be issued shortly."

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4. During the course of hearing today, the learned Government Advocate appearing for the respondents submit that the Government have decided to accept the proposal of the Director General of Police and decided to include the name of the petitioner in the temporary panel of Inspectors of Police (Taluk) fit for appointment by recruitment by transfer as Deputy Superintendent of Police (Category-1) for the year 2018-2019 at Sl.No.35(A) between immediate junior Thiru.M.Puhazhenth, Sl.No.35 and immediate junior Thiru.P.Sivaraj Pillai Sl.No.36. It is further submitted that the petitioner's pay shall be fixed in the rank of Deputy Superintendent of Police (Category-1) notionally with effect from 03.08.2019 on par with his immediate junior Thiru.P.Sivaraj Pillai, as per ruling 17 under FR 27.

5. Learned Government Advocate has placed a copy of the G.O.(Ms).No.282, Home (Police-2) Department, dated 13.06.2023 to this effect and it is placed on record.

6. In the light of the G.O.(Ms).No.282, dated 13.06.2023, the relief sought in this writ petition was already accorded and as such, in my considered view, nothing survives in this writ petition for further adjudication.



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7. Accordingly, this Writ Petition is dismissed as infructuous.

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8. Consequently, connected miscellaneous petition is closed. No costs.

16.02.2024

Index :Yes/No

Neutral Citation :Yes/No

AT

To

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BATTU DEVANAND, J.

AT

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