



W.P.No.35359 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.03.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.35359 of 2023
and W.M.P.Nos.35336 & 35339 of 2023

V.Thamizharasi

...Petitioner

-Vs -

1. The Director General,
Central Industrial Security Force,
Head Quarters, No.13,
CGO Complex, Lodhi Road,
New Delhi – 110 003.
2. The Inspector General,
South Sector Head Quarters,
Central Industrial Security Force,
Chennai – 600 001.
3. The Senior Commandant,
Central Industrial Security Force Unit,
Chennai Port Authority (ChPA)
Chennai – 600 001.
4. The Deputy Commandant,
Central Industrial Security Force Unit,
CPCL, Manali,
Chennai – 600 068.



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5. The Assistant Commandant/Adm,
Central Industrial Security Force Unit,
Chennai Port Authority (ChPA),
Chennai – 600 001.

6. The Assistant Commandant,
Central Industrial Security Force Unit,
CPCL, Manali,
Chennai – 600 068.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the the impugned orders passed by the sixth respondent vide order dated 25.04.2019 in his order No.E- 42099 /CISF/ CPCL/ ADM/ PCC/ 2019/ 1131, the fourth respondent vide order dated 16.09.2019 in his order No.E-42099 / CISF / CPCL/ ADM / PCC/ 2019 / 2834 and the fifth respondent vide order dated 15.02.2023 in his order No.E- 37014/CISF / CHPA / ADM- 1 / PCC / 23/ 868 and quash the same and direct the respondents to grant the permission for additional chance (4th chance) to undergo the petitioner for promotion cadre Course (PCC) from the rank of Lady Constable / GD to Lady Head constable/ GD.

For Petitioner : Mr.R.Thiyagarajan

For Respondents : Mr.K.Ramanamoorthy
Central Government Standing Counsel

ORDER

This writ petition has been filed challenging the orders passed by the sixth respondent dated 25.04.2019, the fourth respondent



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dated 16.09.2019 and the fifth respondent dated 15.02.2023, thereby denied permission to the petitioner to undergo for Promotion Cadre Course.

2. The petitioner had joined in the Central Industrial Security Force as Lady Constable/GD on 14.10.1997, on compassionate ground. She was posted in the Neyveli Lignite Corporation, Neyveli. Thereafter, she had served in various places and also the petitioner had undergone basic training course. While being so, the petitioner had submitted representation to the first respondent for requesting permission to attend Promotion Cadre Course from the post of Constable to Head Constable. However, the said request was rejected on the ground that the petitioner had been detailed for Promotion Cadre Course from Constable to Head Constable on three occasions between 2008 and 2013. But she did not attend the said course and submitted unwillingness to undergo the Promotion Cadre Course. Hence, the petitioner filed the present writ petition with the above said prayer.



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3. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

4. On perusal of the counter affidavit filed by the respondents revealed that the petitioner had submitted unwillingness to attend Promotion Cadre Course by the certificate dated 26.01.2008, 15.07.2008 and 22.07.2013. As per the circular No.37/2005 dated 19.10.2005, a person will be given three chances to attend the Promotion Cadre Course, non-attendance of the said Course on the basis of unwillingness will amount to loss of a chance. The circular is very clear that the petitioner will be given three chances including supplementary test if any.

5. Admittedly, the petitioner has already been detailed on three occasions for completion of Promotion Cadre Course. But she had submitted unwillingness on all three occasions. Therefore, the request made by the petitioner, that too after the period of several years, cannot be considered. Since the petitioner had already been given three chances, she failed to undergo Promotion Cadre Course including the supplementary test. Therefore, she is not eligible to undergo Promotion



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Cadre Course and her request was rightly rejected by the respondents.

This Court finds no infirmity or illegality in the order passed the respondents and the writ petition itself devoid of merits and liable to be dismissed.

6. Accordingly, the Writ Petition stands dismissed.

Consequently, connected miscellaneous petitions are closed. There shall be no orders as to costs.

22.03.2024

Index : Yes/No

Speaking/Non Speaking order

Neutral Citation : Yes/No

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