



W.P.(MD).No.14722 of 2021

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 29.07.2024

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THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.14722 of 2021

K.Muthulakshmi

... Petitioner

Vs.

1.The Director General of Police,
Dr.Radhakrishanan Salai,
Chennai.

2.The Deputy Inspector General
of Police,
Ramanathapuram Range,
Ramanathapuram.

3.The Superintendent of Police,
Sivagangai District,
Sivagangai.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to promote the petitioner as Inspectors of Police with effect from the date on which the petitioner's juniors were promoted.

For Petitioner : Mr.S.Chellapandian

For Respondents : Mr.D.Gandhiraj,
Special Government Pleader



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ORDER

The prayer of the writ petitions are as follows:

This writ petition has been filed seeking direction to the respondents to promote the petitioner as Inspectors of Police with effect from the date on which the petitioner's juniors were promoted.

2. The facts which led to the filing of this writ petition is as follows:

The petitioner was recruited as Grade-I constable on 14.02.1981. Further the Women constables recruited during 1981 were sent for training in three batches on different dates and the seniority was fixed based on the respective marks obtained by the candidates in the examinations held for the said purpose. Considering the petitioner's seniority, she was promoted as Sub-Inspector of Police on 26.05.2003 and "C" List for the post of Sub-Inspector of Police was prepared on the basis of initial rank assigned to them at the time of their enlistment as Grade-II Women Police Constables. At the time of the aforesaid "C" List to be considered for promotion to the post of Women Inspector of Police, one Yasothai approached this Court by filing W.P.No.451 of 2008 seeking direction to the respondents therein to consider her representation for revision of seniority. While being so, by a



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memo dated 07.08.1996, the office of the Director General of Police, Chennai, has directed the seniority of Women Police Constable recruited in the year 1981 in three batches to be fixed based on the marks obtained by them in the final examination in Police Recruit School irrespective of the date of appointment. Following which, based on the said memo dated 07.08.1996 and in terms of the orders passed by this Court, the Deputy Inspector General of Police, Ramnad Range, had chosen to revise the seniority of Women Head Constables, vide proceedings dated 12.06.2009. In the said exercise, the junior of the petitioner herein has moved up in the ladder and has been placed as senior to the petitioner herein. Finally, the petitioner was promoted as Inspector of Police on 25.09.2016 and retired from service on attaining the age of superannuation. Aggrieved by the anomaly in the revision of seniority, the petitioner made representation to the Director General of Police and the various official respondents seeking restoration of seniority. One Muthulakshmi and few other similarly placed persons filed W.P.Nos.7122 to 7125 of 2009 and 7332 of 2009 seeking to dispose of their representation seeking for restoration of seniority. This Court, by an order dated 30.07.2009, directed the respondents to consider the representation of the petitioners therein and pass orders thereon. Pursuant to the same, the 1st respondent, vide proceedings dated



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29.10.2009 rejected the request of the petitioners in the aforesaid writ petitions. In the meanwhile, yet another batch of similarly placed persons like that of the petitioner, approached this Court in W.P.(MD)No.10989 of 2010, challenging the revision of seniority and the same was allowed, against which, the respondent official authorities preferred an appeal in W.A.(MD)No.172 of 2018 and batch which came to be dismissed by the Hon'ble Division Bench of this Court, by an order dated 17.09.2018. Pursuant to the same, the order of the learned single judge in W.P.(MD)No. 10989 of 2010 came to be implemented by the proceedings of the Deputy Inspector General of Police, Madurai Range, vide order dated 25.02.2021, thereafter, issued instructions complying the said order restoring the original seniority of the petitioners / claimants therein confirming that they were entitled to be promoted to the post of Inspector of Police with effect from when their juniors were promoted with all service and monetary benefits. Since the petitioner is similarly placed as the beneficiaries of the aforesaid order dated 25.02.2021 of the Deputy Inspector General of Police, Madurai Range, the petitioner herein made representation on various dates and the last of which was on 30.06.2021 requesting to promote her as Inspector of Police on par with her junior by batch wise for women



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constables recruited in the year 1981. Since the same was not considered by the respondents, this writ petition came to be filed.

3. The learned counsel appearing for the petitioner, Mr.S.Chellapandian, insisted that in terms of the similar order passed by this Court in W.P.(MD)No.10989 of 2010, in the case of similarly placed persons and the consequential implementation of the same by the Deputy Inspector General of Police, Madurai Range, the petitioner is entitled to the relief sought for and pressed for allowing the writ petition.

4. The 3rd respondent has filed a counter affidavit and the learned Special Government Pleader Mr.D.Gandhiraj submitted that the promotion to the rank of Inspector of Police is maintained in a state seniority level. Accordingly, the writ petitioner was promoted as Temporary Inspector of Police on par with her junior based on the revised seniority of the women Grade I police constables who were recruited during the year 1981. The writ petitioner is claiming to promote her as Inspector of Police with effect from the date on which her junior was promoted, that is, from 01.10.2004. However, the same cannot be considered at range level, since the seniority



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to the promotion of Inspector of Police is maintained at state level. In view of the same, he pressed for dismissal of the writ petition.

5. Heard the learned counsel appearing for the petitioner and the learned Special Government Pleader appearing for the respondents. Carefully perused the materials available on record.

6. This Court is of the considered view that already the similarly placed persons were given reliefs, vide order of the Deputy Inspector of Police, Madurai range, dated 25.02.2021, only in compliance of the order passed by this Court in W.P.(MD)No.10989 of 2010. In view of the same, this Court hereby direct the respondents to consider the petitioner's representation dated 30.06.2021 in the line of order passed by the Deputy Inspector of Police, Madurai Range dated 25.02.2021 in compliance to the orders passed by this Court in W.P.(MD)No.10989 of 2010 and pass appropriate orders in accordance with law.

7. It is pertinent to mention here that already in a batch of writ petitions in W.P.Nos.7122 to 7125 of 2009 and 7332 of 2009, the similarly placed persons have filed writ petitions before this Court, in which, this



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Court directed the respondents to consider the representation and pass appropriate orders. However, the respondent authorities in the aforesaid writ petitions after considering the representation of the petitioners therein have rejected their claim, vide proceedings, dated 29.10.2009.

8. However, in a similar case, especially in W.P.(MD)No.10989 of 2010 in compliance of the orders passed by this Court, the Deputy Inspector of Police, Maduri Range, dated 25.02.2021 has passed orders in favour of the petitioner therein. Hence, I am of the considered view that the respondent authorities have rejected the claim of the petitioners in W.P.Nos.7122 to 7125 of 2009 and 7332 of 2009, negating the fact that similar claim of similarly placed persons in W.P.(MD)No.10989 of 2010 came to be considered positively and the representation of the petitioners therein were considered and given promotion as sought for.

9. In view of the same, the respondent authorities should take decision evenly with respect to all the claimants and pass favourable orders and should not reject the same on the ground of laches because, the delay is attributable on the part of the respondent authorities in the case pertaining to W.P.(MD)No.10989 of 2010, since they have preferred W.A.



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(MD)No.172 of 2018 batch., which came to be dismissed only on 17.09.2018 and thereafter, favourable orders came to be passed on 25.02.2021. Hence, the claim of the petitioner need not be rejected on the ground of laches.

10. Accordingly, this writ petition stands allowed. There shall be no order as to costs.

29.07.2024

NCC : Yes / No
Index : Yes / No
Internet : Yes
Sml

To

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of Police,
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L.VICTORIA GOWRI, J.

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