



WP(MD) No.17673 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **31.07.2024**

CORAM:

THE HONOURABLE MS.JUSTICE R.N.MANJULA

W.P.(MD)No.17673 of 2024

and

W.M.P.(MD)No.15162 of 2024

K.Gopal

... Petitioner

Vs.

1.The Director General of Police,
Mylapore, Chennai – 600 004.

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

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

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, calling for the records relating to the impugned orders in Na.Ka.No.A1/25853/2016 dated 03.08.2016 and Na.Ka.No.A1/737/25853/2016 dated 31.08.2017 of the respondent No.3 relating to the denial of petitioner's promotion as Special Sub Inspector of Police, quash the same and issue consequential



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direction to respondents to promote him as Special Sub Inspector of Police with effect from 01.10.2005 and also revise the pay from the date of promotion as Gr-I itself and also revise the pensionary benefits with all attendant service and monetary benefits.

For Petitioner : Mr.A.Gandiappan

For Respondents : Mr.J.Ashok

Additional Government Pleader

ORDER

The petitioner has filed this Writ Petition challenging the impugned orders in Na.Ka.No.A1/25853/2016 dated 03.08.2016 and Na.Ka.No.A1/737/25853/2016 dated 31.08.2017 of the third respondent denying the petitioner's promotion as Special Sub Inspector of Police with a consequential direction to the respondents to promote him as Special Sub Inspector of Police with effect from 01.10.2005 and also to revise the pay from the date of promotion as Grade - I itself and also revise the pensionary benefits with all attendant service and monetary benefits.



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2. Heard the learned counsel on either side.

3. By consent of both parties, this writ petition is taken up for final disposal at the stage of admission itself.

4. The petitioner was enlisted as Grade II Police Constable on 01.10.1970 and thereafter promoted as Grade I on 28.04.1993 and also promoted as Head Constable on 20.09.1996. The petitioner has retired from service on 31.05.2007 in the cadre of Selection Grade Head Constable. He has served as Grade II Police Constable for 12 years and Grade I Police Constable for 15 years and Head Constable for 11 years, without any further promotion. The persons who were enlisted after the petitioner have been given upgradation on promotion. The juniors to the petitioner were fixed with the pay higher than that of the petitioner. In this regard, the petitioner has given a representation to fix the pay on par with his juniors on 28.05.2014. As the juniors to the petitioner who were promoted as Special Sub Inspector of Police after completion of 25 years with 10 years service of Head Constable, the petitioner is also



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eligible for promotion to the post of Special Sub Inspector. Hence, the petitioner has filed this writ petition with the aforesaid prayer.

5. The learned Additional Government Pleader appearing for the respondents submitted that the petitioner will fulfill the required qualification of 10 years of service as Head Constable only with effect from 01.06.2007 as per the rules prescribed under law. Even before that date, ie., on 31.05.2007, the petitioner has retired from service on attaining the age of superannuation and hence, the petitioner is not eligible for promotion to the post of Special Sub Inspector of Police.

6. The learned counsel appearing for the petitioner submitted that the petitioner could not get promotion to the post of Special Sub Inspector of Police at the time of his retirement, in view of the delay caused in promoting the petitioner to the post of Head Constable ie., on 20.09.1996.

7. Admittedly, the petitioner did not even choose to challenge the order of promotion to the post of Head Constable by citing the reason



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that there is delay occurred in promoting the petitioner to the post of Head Constable and he had the required period of service for the promotion. The order of rejection of the petitioner's promotion to the post of Special Sub Inspector of Police was passed in the year 2016 itself. The petitioner has now come before this Court after a period of eight years. No such explanation has been given for such delay on the part of the petitioner and the petitioner has not even challenged the earlier promotion to the post of Head Constable. Since the petitioner has completed 10 years of service in the post of Head Constable only on 20.09.1996 and he has retired from service on 31.05.2007, he was not considered for promotion to the post of Special Sub Inspector of Police.

8. With the aforesaid observations, this writ petition is dismissed.

No costs. Consequently, connected miscellaneous petition is closed.

31.07.2024

NCC: Yes/No
Index : Yes/No
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R.N.MANJULA, J.

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- 1.The Director General of Police,
Mylapore, Chennai – 600 004.
- 2.The Deputy Inspector General of Police,
Madurai Range,
Madurai.
- 3.The Superintendent of Police,
Theni District,
Theni.

Order made in
W.P.(MD)No.17673 of 2024

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