



WEB COPY

W.P.(MD) No.14534 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 18.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.14534 of 2018

R.Raj

... Petitioner

-VS-

- 1.The Deputy Inspector General of Police
Tirunelveli Range
Tirunelveli
Tirunelveli District
- 2.The Superintendent of Police
District Police Office
Nagercoil
Kanyakumari District
- 3.The Deputy Superintendent of Police
Armed Reserve, Nagercoil
Kanyakumari District
- 4.The Inspector of Police
Armed Reserve, Nagercoil
Kanyakumari District

... Respondents



WEB COPY

W.P.(MD) No.14534 of 2018

PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus to call for the records pertaining to the impugned order in Na.Ka.No.A4/30273/2017 dated 20.12.2017 on the file of the second respondent and quash the same as illegal and consequently for a direction directing the respondents to promote the petitioner as the Sub Inspector of Police by placing him above the junior in the B List drawn for the promotion of Sub Inspector of Police dated 01.10.2016 within the time to be stipulated by this Court.

For Petitioner : Mr.G.Karthik
for M/s.T.Lajapathi Roy & Associates

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader

ORDER

This writ petition has been filed challenging the impugned order, dated 20.12.2017, passed by the second respondent, rejecting the petitioner's request to promote him as Sub Inspector of Police by placing him above his juniors in the B-List drawn for promotion to the post of Sub Inspector of Police, dated 01.10.2016.



W.P.(MD) No.14534 of 2018

WEB COPY

2. Under the impugned order, dated 20.12.2017, the petitioner's request has been rejected, on the ground that though the petitioner was right in stating that his juniors were promoted as Sub Inspector of Police, it was only due to the reason that Nayak and Nayak Grade-I, the posts which the petitioner was holding, were abolished and due to the same, the juniors of the petitioner had got promotions earlier.

3. According to the petitioner, the State-wide seniority list should have been followed by the respondents, while drawing the C-List of promotion to the post of Sub-Inspector of Police, which has not been followed as seen from the impugned order. The petitioner has challenged the impugned order, on the ground that the respondents ought to have considered the fact that the petitioner had joined in the service as early as on 01.04.1986 and he has been deprived of promotion to the post of Sub Inspector of Police, while his juniors, who joined on 25.05.1988, have been promoted as Sub Inspector of Police de hors the State-wide seniority.



W.P.(MD) No.14534 of 2018

WEB COPY

4. Learned counsel for the petitioner also drew the attention of this Court to the Police Standing Order-23 and would submit that as per the Police Standing Order-23, every officer shall be given a year of allotment and the year of allotment so given shall determine his seniority in the gradation list. He would submit that Police Standing Order-23 has not been followed by the respondents, as seen from the impugned order. He would further submit that the petitioner is admittedly a senior as per the allotment year seniority and hence, his claim for promotion to the post of Sub Inspector of Police on par with his juniors has to be acceded to.

5. On the other hand, learned Additional Government Pleader appearing for the respondents drew the attention of this Court to Paragraph Nos.18 to 20 of the counter affidavit filed by the respondents before this Court and would submit that only by following the procedure mentioned therein and only in accordance with law, the seniority was fixed.

6. However, as seen from the impugned order, the reasons for rejecting the petitioner's request, which are noticed in the counter affidavit filed by the respondents before this Court, are not found. Only through the



W.P.(MD) No.14534 of 2018

WEB COPY

counter affidavit filed by the respondents, new reasons, which did not find a place in the impugned order rejecting the petitioner's request, have been introduced. Admittedly, the petitioner's appointment as Grade-II Constable was on 01.04.1986, whereas, the juniors of the petitioner were appointed only on 25.05.1988. As per the Police Standing Order-23, every officer shall be given a year of allotment and the year of allotment so given shall determine his seniority in the gradation list. Several contentions have been raised by the petitioner in this writ petition, including the contention that the Police Standing Order-23 has not been adhered to by the respondents while rejecting the petitioner's request for promotion under the impugned order on par with his juniors.

7. Even though under the impugned order, all the contentions of the petitioner, as raised in this writ petition, have not been answered by the respondents, in their counter affidavit, they have attempted to give new reasons for rejecting the petitioner's request for promotion on par with his juniors.



WEB COPY

W.P.(MD) No.14534 of 2018

8. Learned counsel for the petitioner has also raised various contentions during the course of his submissions and would point out that the reasons given by the respondents through their counter affidavit filed before this Court are not proper due to the fact that admittedly, the petitioner had joined in the service as early as on 01.04.1986, whereas, his juniors had joined only on 25.05.1988. But, despite the same, they have been promoted as Sub Inspectors of Police de hors the State-wide seniority.

9. Since the impugned order is a non-speaking order with regard to the contentions raised by the petitioner in this writ petition and being a question of promotion, in the interest of justice, this Court deems it fit to quash the impugned order and direct the respondents to reconsider the petitioner's notional promotion, after giving due consideration to the contentions raised by him in this writ petition, within a time frame to be fixed by this Court.

10. Accordingly, the impugned order dated 20.12.2017, passed by the second respondent, rejecting the petitioner's request for promotion to the post of Sub Inspector of Police, by placing him above his juniors, namely,



W.P.(MD) No.14534 of 2018

WEB COPY

Sankar, Elango and Velappan, in the B-List for promotion to the post of Sub Inspector of Police, dated 01.10.2016, is hereby quashed and the matter is remanded back to the second respondent for fresh consideration on merits and in accordance with law. The second respondent is directed to pass final orders, within a period of three months from the date of receipt of a copy of this order.

11. With the above directions, this writ petition is disposed of. No costs.

18.09.2024

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

krk

To:

- 1.The Deputy Inspector General of Police,
Tirunelveli Range,
Tirunelveli,
Tirunelveli District.
- 2.The Superintendent of Police,
District Police Office,
Nagercoil,
Kanyakumari District.



W.P.(MD) No.14534 of 2018

WEB COPY

- 3.The Deputy Superintendent of Police,
Armed Reserve, Nagercoil,
Kanyakumari District.
- 4.The Inspector of Police,
Armed Reserve, Nagercoil,
Kanyakumari District.



WEB COPY



W.P.(MD) No.14534 of 2018

ABDUL QUDDHOSE, J.

krk

W.P.(MD) No.14534 of 2018

18.09.2024