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W.P.(MD) No.11049 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.09.2024

CORAM:

THE HONOURABLE MR.JUSTICE ABDUL QUDDHOSE

W.P.(MD) No.11049 of 2017

and

W.M.P.(MD) Nos.8468, 8469 & 8470 of 2017

K.Venkatesh Babu

... Petitioner

-vs-

1.The Director General of Police
Tamil Nadu
Chennai-600 004

2.The Commissioner of Police
City Police Office
Trichy City

3.V.K.Mahendiran

4.A.Ananda Selvam

5.V.Arivalagan

6.N.Annadurai

7.R.Paranikumar

... Respondents



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PRAYER: Petition filed under Article 226 of the Constitution of India, to issue a writ of certiorarified mandamus calling for the records relating to the impugned order of the second respondent in Ma.Aa.No.887/2015 Na.Ka.No.A6/29020/2015 dated 19.11.2015 and the impugned 'C' list for 2017 drawn by the second respondent for promoting the respondents 6 & 7 herein in CPO No.310/2017 C.No.A6/07/433/2017 dated 25.04.2017, quash the same and consequently direct the second respondent herein to confer selection grade in the post of Head Constable on 26.07.2015 and promote the petitioner herein as Sub Inspector in the Armed Reserve on the basis of his seniority of Head Constable maintained in the Armed Reserve as per Rule 3(a) & Annexure-I of Tamil Nadu Police Subordinate Service Rules and based on common revised promotion order issued by the second respondent in CPO: 674/2012, C.No.A6/11497/2011, dated 26.09.2012, on par with similarly placed persons placing the seniority of the petitioner above the third respondent herein, in accordance with law, within a time frame to be fixed by this Court.



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For Petitioner : Mr.Khari Khara Das
for Mr.V.Janakiramulu

For Respondents : Mr.G.Suriya Ananth
Additional Government Pleader for R1 & R2
Mr.M.Saravanan for R3 to R5
No appearance for R6

ORDER

This writ petition has been filed challenging the 'C' list issued by the second respondent seeking to promote the respondents 6 and 7, who according to the petitioner, are juniors to him, as irregular and illegal.

2. The main grievance of the petitioner is that under the impugned 'C' list issued by the second respondent, the respondents 6 and 7, whom the petitioner claims to be his juniors, are being promoted to the post of Sub Inspector of Police.

3. A counter affidavit has been filed by the official respondents denying the contentions of the petitioner, as according to them, the



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respondents 6 and 7 are not juniors to the petitioner and only by following the procedure, the impugned 'C' list was issued seeking to promote the respondents 6 and 7.

4. Learned Additional Government Pleader appearing for the respondents 1 and 2 has placed before this Court the written instructions received by him from the Commissioner of Police, Trichy City, with regard to the date and enlistment of the petitioner as well as the respondents 6 and 7.

5. As seen from the same, the petitioner was enlisted on 16.03.1994, whereas both the respondents 6 and 7, namely, N.Annadurai and R.Paranikumar were enlisted on 16.06.1993 and they are seniors to that of the petitioner. Therefore, the impugned 'C' list issued by the second respondent seeking to promote the respondents 6 and 7 cannot be interfered with by this Court, since from the records placed before this Court, it is clear that the respondents 6 and 7 are seniors to that of the petitioner as their date of enlistment is prior to the enlistment of the petitioner. If the petitioner is having any other grievance, with regard to his promotion, he has to address the same through a separate legal proceeding as this writ petition has been



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filed only on the ground that the respondents 6 and 7 have been sought to be promoted under the impugned 'C' list, issued by the second respondent.

6. For the foregoing reasons, there is no merit in this writ petition. Accordingly, this writ petition is dismissed. However, liberty is granted to the petitioner to file appropriate legal proceedings in the manner known to him under law for redressing his grievance with regard to his promotion as Sub Inspector of Police. No costs. Consequently, connected miscellaneous petitions are closed.

02.09.2024

(1/3)

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

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To:

1.The Director General of Police,
Tamil Nadu,
Chennai-600 004.

2.The Commissioner of Police,
City Police Office,
Trichy City.



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ABDUL QUDDHOSE, J.

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