



W.P.No.20397 of 2011

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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 16.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.No.20397 of 2011

R.Selvaraj

... Petitioner

Vs.

1.The Director General
Central Reserve Police Force,
CGO Complex, Lodhi Road,
New Delhi-110 003.

2.The Inspector General of Police,
Central Reserve Police Force,
Hyderabad.

3.The Deputy Inspector General of Police,
Central Reserve Police Force,
Group Centre, Bangalore.

4.The Commandant
77 Battalion,
Central Reserve Police Force,
Poonamallee,
Chennai-600 056.



W.P.No.20397 of 2011

WEB COPY

5.Mr.Ramasamy
Assistant Commandant,
Company Commander,
Central Reserve Police Force,
Poonamallee,
Chennai-600 056.

... 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 Impugned Telex Message No.PVII-2/11 EC-II dated 30.07.2011 issued by the third respondent and quash the same and to direct the respondents to include the name of the petitioner in the approved list - B for the promotion of the post of Sub Inspector and promote the petitioner as Sub Inspector and to pay all monetary benefits.

For Petitioner : Mr.A.S.Mujibur Rahman

For Respondents : Dr.D.Simon

ORDER

This writ petition has been filed questioning the Impugned Telex Message No.PVII-2/11 EC-II dated 30.07.2011 issued by the third respondent and to quash the same while seeking the consequential direction to the respondents to include the name of the petitioner in the approved list - B for promotion to the post of Sub Inspector and to promote the petitioner to the post of Sub Inspector and to pay all



W.P.No.20397 of 2011

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2. A perusal of the Impugned Telex Message would disclose that the name of the petitioner was refused to be included in the approved list for promotion to the post of Sub Inspector on the ground that there was an adverse report in the ACR of the petitioner in the year 2008 and therefore, the name of the petitioner cannot be entered into the approved list for a period of five years i.e. upto the year 2013.

3. The factum of the adverse report in the ACR of the petitioner in the year 2008 is not in dispute. However, the learned counsel for the petitioner contended that the said adverse report is based upon the report submitted by the fifth respondent under whom the petitioner has worked for a period less than 90 days and therefore, the fifth respondent herein is incompetent to send any adverse report against the petitioner in his ACR. Whether the fifth respondent is entitled to send adverse report against the petitioner or not is not the subject matter of the present writ petition.



W.P.No.20397 of 2011

WEB COPY

4. Admittedly, adverse report that was entered in the ACR of the petitioner in the year 2008 is not contested by the petitioner, though the same was communicated to him at the relevant point of time. It is only when the name of the petitioner is refused to be entered in the approved list for the promotion to the post of Sub Inspector, the petitioner while challenging the Impugned Telex Message, raised such a ground in a collateral proceeding. The validity of an adverse report cannot be gone in the absence of any direct challenge to the same and admittedly the said ACR has become final and the same was entered as early as in the year 2008. The only reason assigned in the Impugned Telex Message for not including the name of the petitioner in the approved list for the promotion to the post of Sub Inspector is the adverse report in the ACR of the petitioner in the year 2008. The said entry in the ACR is not in dispute. In the the light of the above, the Impugned Telex Message can't be found fault.

5. In the light of the above, this Court does not see any reason



W.P.No.20397 of 2011

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Petition is dismissed. No costs.

16.07.2025

Index: Yes/No
Internet: Yes/No
Speaking/Non-Speaking order
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To

Page 5 of 7



W.P.No.20397 of 2011

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MUMMINENI SUDHEER KUMAR, J.



WEB COPY



W.P.No.20397 of 2011

mtl

W.P.No.20397 of 2011

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