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WP.No.34211 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.03.2025

CORAM

THE HONOURABLE MS. JUSTICE R.N.MANJULA

W.P No.34211 of 2019

K. Kittu,
S/o K. Kandasamy,
Sub Inspector of Police,
Police Recruit School,
Salem.

...

Petitioner

/vs/

1. Government of Tamil Nadu,
Rep. by its Secretary Home (Pol.VI) Department,
Fort St. George, Chennai 600 009.
2. Director General of Police,
Chennai-600 004.
3. The Additional Director General of Police (Admin),
Chennai 600 004
4. The Commissioner of Police
Salem City
Salem.

...

Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a WRIT OF CERTIORARIFIED-MANDAMUS calling for the records in Re.No.195145/NGB V (2)/2016 dated 10.05.2019 on the file of the 2nd Respondent herein and QUASH the same and direct the 2nd Respondent herein



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to grant the petitioner monetary benefits retrospectively from the year 2008 along with the arrears and promote him as Inspector of Police.

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For Petitioner : Mr.G.Shankaran, senior counsel for
A.S.Neelannarayan
For Respondents : Mr.T.Chezhian,AGP

ORDER

The present writ petition has been filed to call for the records pertaining to the order passed by the 2nd respondent dated 10.05.2019 in Re.No.195145/NGB V(2)/2016, and to quash the same, with a consequential direction to the 2nd respondent to grant the petitioner monetary benefits retrospectively with respect to his promotion, with effect from 01.01.2008.

2.Heard Mr. G. Shankaran, learned Senior Counsel for the petitioner, and Mr. T. Chezhian, learned Additional Government Pleader for the respondents. The Court also perused the materials placed on record.

3.The petitioner, along with one Venkatachalam and M. Gnanavel, was appointed on the same date, i.e., 16.06.1993. In the year 1997, Venkatachalam was promoted to the post of Head Constable, and Gnanavel was promoted on 26.08.1998. The petitioner was subsequently promoted to the post of Inspector of Police in April 2023. The petitioner claims that his promotion to the post of Sub-Inspector of Police was unduly delayed and he was only promoted to that post



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with effect from 01.06.2012. A representation made by Venkatachalam seeking retrospective effect for his promotion to the post of Sub-Inspector of Police was considered by the 4th respondent. In a communication dated 06.02.2014, the 4th respondent informed the 2nd respondent that two vacancies were available as of 01.01.2008, and both Venkatachalam and the petitioner were found fit for promotion. It was recommended that they ought to have been included in the panel for promotion to the post of Sub-Inspector of Police for the year 2008. Another letter was sent by the 4th respondent on 21.10.2016 reiterating the same request and seeking orders to treat the promotions of Venkatachalam and the petitioner as effective from 01.01.2008.

3.1.As the petitioner's representation was not considered, he filed W.P. No. 43174 of 2016, in which a direction was issued to the respondents to consider the petitioner's representation in accordance with law. In pursuant to that the 2nd respondent passed the impugned order, stating that the petitioner, being a promotee, cannot claim retrospective regularization of his promotion to the post of Sub-Inspector of Police, as the vacancies available on 01.01.2008 were intended for direct recruits.

4.However, the learned counsel for the petitioner submitted that the



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impugned order does not provide any details regarding the number of posts available for direct recruitment, nor does it clarify how the two vacancies available on 01.01.2008 were earmarked exclusively for direct recruits. Since the impugned order lacks such explanation, and in light of the earlier communications from the 4th respondent consistently indicating that the vacancies were intended for the petitioner and Venkatachalam, I find it is appropriate to issue a direction to the respondents.

5. With the above observations, the Writ Petition is **disposed**. The respondents 2 to 4 are directed to issue a detailed clarification as to how the two posts that were available in the year 2008 were earmarked exclusively for direct recruits, and appropriate orders in this regard shall be passed within a period of four (4) weeks from the date of receipt of a copy of this order. No costs. Consequently, the connected miscellaneous petition, if any, is also closed.

19.03.2025

Index : Yes

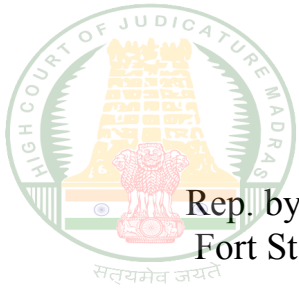
Internet : Yes/No

jrs

To

1. Government of Tamil Nadu,

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Rep. by its Secretary Home (Pol.VI) Department,
Fort St. George, Chennai 600 009.

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2. Director General of Police,
Chennai-600 004.
3. The Additional Director General of Police (Admin),
Chennai 600 004
4. The Commissioner of Police
Salem City
Salem.



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R.N.MANJULA, J.
jrs

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