

S. Kumar and Others Vs. The State of Tamil Nadu and Another

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Court : Chennai

Decided On : Feb-19-2016

Judge : T. Raja

Appeal No. : W.P. Nos. 125 to 128 of 2012

Appellant : S. Kumar and Others

Respondent : The State of Tamil Nadu and Another

Judgement :

(Prayer: Writ Petition filed under Article 226 of the Constitution of India seeking a writ of mandamus directing the respondents herein to post the petitioner in Law and Order Category as Sub Inspector of Police from the Armed Reserve category where he is currently working as S.I. of Police by way of conversion posting on par 2 with those similarly situated Sub Inspectors of Police appointed through G.O.No.312 Home (Police III) Department dated 04.04.2003 Independently in case of legal embargo in awarding the said 1 mark.)

Common Order:

1. These writ petitions are filed seeking writ of mandamus directing the respondents to post the petitioners as Sub Inspector of Police from the Armed Reserve category, where they are currently working as Sub Inspector of Police, by way of conversion posting on par with those similarly situated Sub Inspectors of Police appointed through G.O.No.312 Home (Police III) Department, dated

04.4.2003.

2. Heard Mr.K.Ravi Anantha Padmanaban, learned counsel for the petitioners and Mr.S.Gunasekaran, learned Government Advocate appearing on behalf of the respondents.3. Though a larger relief is prayed for by the petitioners in these writ petitions, when the matters are taken up for hearing, learned counsel for the petitioners submitted that if a direction is issued to the respondents to dispose of the representations submitted by the petitioners dated 29.01.2016, 15.2.2016, 04.01.2016 and 18.2.2016 respectively, in the light of the order dated 13.10.2015 passed by the Division Bench of this Court in WP.No.8982 of 2015 etc., batch and also in the light of the G.O.No.312 Home (Police III) Department, dated 04.4.2003, within a reasonable time, that would serve the purpose.

4. In similar circumstances, the Division Bench of this Court, by order dated 13.10.2015 in WP.No 8982 of 2015 of 2015 etc., batch, directed the respondents to consider the representations made by the petitioners therein with regard to their posting as Sub Inspectors by way of Transfer/conversion to category one together with age relaxation as applicable. It is useful to extract the relevant portion of the said order dated 13.10.2015, which reads as follows:-

5. As far as the request for conversion by the petitioners is concerned, the same is pending consideration.

6. We are of the view that it is necessary to give a quietus to this issue by taking a decision within a time bound manner so that the petitioners know the fate of their representation. If the representation is accepted, nothing survives, but if it is rejected with reasons, that may give rise to further cause of action. We thus direct the respondents to consider the representation of the petitioners within a maximum period of six weeks from the date of receipt of this order. We may note that it makes no difference that the relevant rules having been framed or that according to the respondents it is a matter of posting, since it cannot be disputed that up to the year 2007, this practice has been followed by issuing G.Os, each time claiming to be a one-time measure.

7. On our query, learned Additional Advocate General states that the proposal will emanate from the second respondent and then the final decision will be taken by the first respondent.

8. The writ petitions are disposed of in the aforesaid terms, leaving the parties to bear their own costs. Consequently, connected miscellaneous petitions are closed.

5. Considering the facts and circumstances of the case and also considering the limited prayer now sought for by the learned counsel for the petitioners, without going into the merits of the writ petitions, the respondents are directed to consider and pass appropriate orders on the representations of the petitioners dated 29.01.2016, 15.2.2016, 04.01.2016 and 18.2.2016 respectively in the light of the order dated 13.10.2015 passed by the Division Bench of this Court in WP.No.8982 of 2015 etc., batch and in the light of the G.O.No.312 Home (Police III) Department, dated 04.4.2003, within a period of six weeks from the date of receipt of a copy of this order.

The writ petitions are disposed of accordingly. No costs.

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