



W.P.(MD).No.27509 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH Court

DATED : 19.03.2024

CORAM

THE HONOURABLE MRS.JUSTICE L.VICTORIA GOWRI

W.P.(MD).No.27509 of 2022

and WMP(MD) No.21603 of 2022 & 24436 of 2023

Kingsly Dev Anand

... Petitioner

Vs

1. The Government of Tamil Nadu,
Represented by its Additional Chief Secretary to Government,
Home (Police.3) Department,
Secretariat, Chennai 600 009.
2. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
3. The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai 600 009.
4. The Director General of Police,
Chennai.
5. The Superintendent of Police,
Thoothukudi District Thoothukudi.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India,
praying this Court to issue a Writ of Certiorarified Mandamus calling for the



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records on the file of the 1st respondent pertaining to G.O(Ms) No.120,, dated 25.02.2022 and quash the same and consequently direct the respondents to grant accelerated promotion to the petitioner within a time frame fixed by this Court.

For Petitioner : Mr.N.Dilipkumar

For Respondents : Mr.J.John Rajadurai
Government Advocate

ORDER

The present writ petition has been filed challenging the impugned G.O(Ms) No.120,, dated 25.02.2022 issued by the first respondent and consequently direct the respondents to grant accelerated promotion to the petitioner within a time frame fixed by this Court.

2.The petitioner joined police force as Sub-Inspector of Police on 16.04.1999. He was promoted to the rank of Inspector of Police on 27.01.2011. Presently, he is working as Inspector of Police, Kovilpatti West Police Station, Tuticorin district.

(ii).During 01.01.2002, the petitioner was posted at Chennai City Marina D.5 Police Station as Sub-Inspector of Police. The petitioner during 2002 was posted to nab the dreaded gangster namely, Veeramani, who had 36 criminal cases including high degree murder, attempt to murder, robbery, rape,



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kidnapping, theft, extortion, narcotics, etc.. The petitioner conducted close surveillance upon the gangster at Chennai, Trichy, Koodalur, etc.. On 27.07.2003, the petitioner along with one Thiru K. Vella durai intercepted the said Veeramani and gang, who assaulted the petitioner and K. Vella durai causing grievous injuries all over the body and head. The petitioner fired from his service weapon and hit Veeramani upon his head and killed him. The petitioner's associate policeman Mr. K. Vella durai also fired upon the said Veeramani. From 27.07.2003 to 08.09.2003, the petitioner was treated as an inpatient in Chennai Royapettah Government Hospital for 54 days. On 04.11.2003, the Deputy Commissioner of Police recorded that the petitioner and his colleague Mr. K. Vella durai life is at risk, as the accomplice of Veeramani are planning to revenge for his death and advised to provide armed police escort to the petitioner and his colleague. On 01.06.2004, the Inspector of Police, D5 Marina Police Station recorded the gallant efforts of the petitioner and his colleague and the same is extracted as follows:

"Sub-Inspector T.K.Kingsly Devanand was entrusted with the work of apprehension of the criminal Veeramani on 08.12.2002 by the Superiors. The first phase he studied the previous happenings and collected intelligence about the criminal Veeramani and in the second phase he collected the source of information to develop close interaction with the public. Thus he developed free flow of information from the public. In the process he went to Trichirapalli and stayed



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there for one month. July 2002 when Veeramani made his appearance daily at Cantonment police station for conditional bail. The collection of information by the Sub-Inspector Kingsly Devanand was applaudable which led to the registration of two cases vide Srirankam Police Station Cr.No.475/2002 u/s 147,148,448506(2) IPC and Cantonment Police Station Cr. No. 1138/2002 u/s 25C(1)(a) ARMS ACT. Then Veeramani was ordered to stay at Kadalore and appeared in Kadalore Town Police Station for conditional bail. Thus Sub-Inspector Tr. Kingsly Devana.collected intelligence at Kadalore and Nagapattinam the same. The information he collected was very useful and the networ developed. . Created confident on Sub-Inspector Tr.K. Kingsh Devanand by Senior Police Officials. He and his colleague Tr. Vella Durai were nominated to secure Veeramani and his associates.

On 27.07.2003 Sub-Inspector Tr.Kingsly Devanand with Sub-Inspector tr. Vella Durai waited at service road opposite to slum clearance board with the collected intelligence. Veeramani with his Tamilmani, notorious gang Chellappan, Kumar @Pallu kumar, Kalimani, Manimaran, T.V.Senthil, Gobi, Chendrakumar, Arumugam@out Arumukam, Saravanan; Ravi@Cylon Ravi, Tamil Arasu, Raman, Lakshumanan, Mullu Jaganathan and Kumar with deadly weapons were fast moving to Ayodhikuppam.

Sub-Inspector Tr.K.Kingsly Devanand with great bravery and gallantry intercepted the gang at service road on 27.07.2003 at 11:00 hours. The gang immediately assaulted both the Sub-Inspectors and they sustained cut injuries on head, stomach and hand. Sub-Inspector Tr. Vella Durai triggered his service weapon and the bullet hit Veeramani on his chest. Sub-Inspector Tr.K.Kingsly Devanand suffering with cut injuries opened fire and it hit Veeramani on his head and he died instantly.



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The part played by Sub-Inspector Tr.K.Kingsly Devanand was very great and it needs recognition. The brave and gallant nature of the Sub-Inspector Tr.K.Kingsly Devanand made him to intercept the deadly gang and annihilate the gang leader Veeramani without any reservation in his mind. His life is still at risk and our soldier will not go in vain”.

(ii).The first respondent had earlier issued G.O.MS.No.468, Home Department, dated 19.03.1996 for grant of accelerated promotion by issuance of guidelines. Though the Government vide G.O.MS.No.769 Home Department, dated 11.07.2008 gave up the scheme of accelerated promotion, it was reintroduced vide a G.O.MS.No.805, Home Department, dated 07.10.2013. It has been recognized by the Government that police personnel, who had performed acts of extraordinary bravery and valour when engaged in their efforts to apprehend and deal with hardcore criminals, terrorists and other anti.social elements, they should be suitably recognized. Accordingly, the Government order states that the accelerated promotion may be awarded to those police personnel, who have performed with acts of extraordinary bravery and valour in achieving their operational success. The Government reconstituted the Committee under the chairmanship of the Chief Secretary for



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considering the cases of accelerated promotion to police personnel with the Principal Secretary to the Government, Home, Prohibition and Excise Department, Principal Secretary to the Government, Personal and Administrative Reforms Department and the Director General of Police as members. The said Committee would examine the cases of awarding accelerated promotion to police personnel, who have performed acts of extraordinary bravery and valor in achieving operational success and submit its recommendations to the Government for issuing suitable orders.

(iii).The petitioner made a request for accelerated promotion and the same was pending for a long time. In view of the non.consideration of his request for accelerated promotion, he filed W.P(MD) No. 19441 of 2013 before this Court and the same was disposed by this Court on 03.12.2013 directing the respondents to consider the petitioner's representation and pass appropriate orders in accordance with law.

(iv).Pursuant to the same, the Director General of Police vide order, dated 26.04.2014 rejected the petitioner's representation. Challenging the said rejection order, the petitioner filed W.P(MD) No. 14781 of 2014 before this Court and this Court, on 11.11.2019, quashing the impugned order,



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dated 26.04.2014 directed the respondents to consider the petitioner's request for granting accelerated promotion.

(v).By placing his request before the Board, which has been newly constituted as per G.O.Ms.No. 805, dated 07.10.2013, it was also directed that the Board should consider the petitioner's application for awarding accelerated promotion after giving an opportunity to the petitioner to substantiate his credentials. Pursuant to the same, after hearing the petitioner, the impugned order rejecting the petitioner's request for accelerated promotion came to be passed vide G.O.Ms No. 120, dated 25.02.2022. Challenging the same, this petition came to be filed.

3.The learned counsel for the petitioner Mr. Dilip Kumar submitted that the impugned order suffers from the vice of non.application of independent mind. The refusal is on the sole ground recorded in paragraph 6 of the impugned order. It states that Thiru. K. Vella durai, who was also a part of the operation was not awarded accelerated promotion and on that basis, the petitioner's request came to be rejected. The first respondent merely gone by the recommendation of the Committee, had not independently applied his mind and the same is evident from the reading of the order. He insisted that G.O.Ms



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No. 805, dated 07.10.2013 mandates that the act of extraordinary bravery and valour of the police personnel, while engaged in their efforts to deal with hardcore criminals should be suitably recognized. He further submitted that it is the admitted case of the respondents that Veeramani was a hardcore criminal and a notorious rowdy element and while on official duty of carrying out a lawful action against the gangster, the petitioner came under the attack and sustained grievous injuries on his head and other places requiring hospitalization for nearly two months. Accordingly, he pressed for allowing the writ petition.

4.(i).Per contra, counter affidavit has been filed on behalf of the respondents 1, 2, 4 & 5 and the learned Government Advocate Mr. John Rajadurai submitted that the petitioner had submitted a representation, dated 16.11.2013 requesting to grant one stage accelerated promotion in recognition of his involvement in the encounter of rowdy element namely, Veeramani as per G.O.Ms.No.468 Home Police Department, dated 19.03.1996. Pending consideration of the said representation, he had filed a writ petition in W.P(MD) No. 19441 of 2013 in this regard. This Court vide order, dated 03.12.2013 disposed of the same directing the respondents to consider the



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petitioner's representation. Further, while offering remarks on the request of the petitioner, the Commissioner of Police, Greater Chennai Police in his letter, dated 26.04.2014 had stated that this is not a fit case for grant of accelerated promotion, as there are numerous instances, where police facing attack while trying to apprehend criminals and the police personnel forced to resort to use force in self-defense. Accordingly, the then Director General of Police, Tamil Nadu issued an endorsement to the petitioner, dated 26.04.2014 rejecting the petitioner's request for accelerated promotion. Challenging the same, the petitioner filed W.P(MD)No. 14781 of 2014 and this Court by order, dated 11.11.2009 quashed the order passed by the second respondent, dated 26.04.2014 and thereafter, directed to consider the petitioner's representation by placing the same before the Board constituted under G.O.Ms. No. 805, dated 07.10.2013 after giving an opportunity to the petitioner.

(ii).In compliance to the same, Accelerated Promotion Committee under the chairmanship of Chief Secretary to the Government was convened on 17.02.2020. The petitioner was duly given an opportunity of hearing and thereafter, the Accelerated Promotion Committee taking note of the fact that Thiru.K. Velladurai, Sub-Inspector of Police, who was also part of the operation was not awarded promotion, observed that the work of the petitioner



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in the encounter with the criminal Veeramani gang on 27.07.2003 cannot be considered as performance of high order and exceptional personal ability in achieving operational success and therefore, the work cannot be termed as exceptional, which deserves accelerated promotion. Accepting the recommendation of the Accelerated Promotion Committee, the Government vide G.O.Ms.No.120 Home, Police III Department, dated 25.02.2020 rejected the request of the petitioner for grant of accelerated promotion.

(iii).After intercepting the rowdy element Veeramani on 27.07.2003, though the Inspector of Police D5 Marina Police Station, Greater Chennai Police in his Special Report, dated 16.06.2004 had recommended for grant of accelerated promotion to the petitioner, none of the higher ups in the Police Department including Joint Commissioner of Police, East Zone, Greater Chennai Police, Commissioner of Police, Greater Chennai Police and Director General of Police, Tamil Nadu Chennai recommended in favour of the petitioner. That apart, the Accelerated Promotion Committee headed by the Chief Secretary to the Government, Tamil Nadu also negated the case of the petitioner for grant of accelerated promotion. The impugned G.O. came to be passed by the first respondent only on the basis of the recommendation of the Accelerated Promotion Committee and the petitioner cannot expect accelerated



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promotion for his routine policing. Accordingly, he pressed for dismissal of the writ petition.

5.Heard the learned counsel for the petitioner Mr. Dilip Kumar, the learned Government Advocate Mr. John Rajadurai and carefully perused the materials available on record.

6.The learned Government Advocate fairly conceded that the Inspector of Police D5 Marina Police Station has given a positive report and had categorically recommended the case of the petitioner for grant of accelerated promotion, vide his special report, dated 16.06.2004. Pursuant to the order passed by this Court in W.P(MD) No.19441 of 2013, dated 03.12.2013, the Director General of Police, Chennai vide endorsement, dated 26.04.2014 rejected the petitioner's request for accelerated promotion. The operative portion of the said endorsement is extracted as follows:

2. In your representation dated 16.11.2013, you have asked for. grant of accelerated promotion in connection with the incident in which one Ayothikuppam Veeramani was shot dead. You have stated in your petition that on 27.07.2003, when ant attempt was made to apprehend Veeramani, you and SI Velladurai were forced to open fire



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in the face o attack with bombs and lethal weapons. You have added that you have ustained cut injuries and were admitted in hospital.

3.Your representation has been carefully considered along with marks received from COP Chennai.

4. G.O.Ms. No.468, Home (Police VI Department, dated 19.3.1996 ovides for elevation for professional achievements including performance soups at great risk to personal life high order and exceptional personal ability in achieving operational

5. The COP Chennai in his report dated 26.04.2014 has stated that this is not a fit case for grant of accelerated promotion. It has been pointed out in this report that there are numerous instances where police come under attack while trying to apprehend criminals and are forced to resort to use of force in self defence. Joint Commissioner East has stated in his report dated 25.04.2014 that there is no mention of use of bombs in the course of the incident.

6.On consideration of the available material, I am of the view that this does not qualify as performance of high order and exceptional personal ability in achieving operational success. I also take into account the fact that SI Velladurai who was part of the operation was also not awarded accelerated promotion.

7.The said order was duly challenged by the petitioner in W.P(MD) No.14781 of 2014 and this Court by its order, dated 11.11.2019, quashed the impugned endorsement of the Director General of Police, Chennai, dated 26.04.2014 and directed the respondents to place the case of the



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petitioner before the Accelerated Promotion Committee constituted as per G.O.Ms.No.805, dated 07.10.2013 and further directed to consider the petitioner's request for accelerated promotion, after giving an opportunity to the petitioner to substantiate his credentials.

8.As per the directions of this Court and the proposal of the Director General of Police, the meeting of the Accelerated Promotion Committee for considering the request of the petitioner for accelerated promotion was held on 17.02.2020. The petitioner was also given an opportunity to appear before the Committee to substantiate his credentials. Accordingly, the petitioner appeared before the Committee and submitted his representation, dated 17.02.2020. The Accelerated Promotion Committee considered and examined the proposal of the Director General of Police, dated 22.01.2020 and the representation of the petitioner, dated 17.02.2020 and by taking note of the fact that his colleague Thiru Vellathurai, Sub-Inspector of Police, who was part of the operation was also not awarded accelerated promotion, the Committee observed as follows:

“the work of Thiru K. Kinsley Devanand, Inspector of Police, Athur Police Station, Thoothukudi district in the encounter with the criminal Veeramani gang on 27.07.2003



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cannot be considered as performance of high order and exceptional personal ability in achieving operational success and therefore, the work cannot be termed as exceptional, which deserves accelerated promotion”.

9.With such observation, the Accelerated Promotion Committee negated the petitioner's request and did not recommend the case of the petitioner to grant of accelerated promotion. Thereafter, the first respondent after careful examination decided to accept the recommendation of the Accelerated Promotion Committee and accordingly the petitioner's request was rejected, vide impugned G.O.Ms.No.120 of Home Police III Department, dated 25.02.2020.

10.For better appreciation of the instant *lis* in hand, G.O.MS No. 805, Home Police.V department, dated 07.10.2013 is extracted as follows:

ABSTRACT

Police Department . Accelerated promotion to Police Personnel .
Constitution of Committee . Orders – Issued.



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[HOME (POL.V) DEPARTMENT]

G.O.(Ms.) No.805

Dated:07.10.2013

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jpUtsStu; MzL 2044

Read:

1.??? G.O. (Ms.) No.468, Home (Police.5) Department, dated 19.03.1996.

2.???G.O. (Ms.) No.769, Home (Police.XI) Department, dated 11.07.2008.

ORDER:

The Government in the Government Order first read above issued orders for the constitution of a Board and the prescription of guidelines for accelerated promotion for Police Personnel for professional achievements and for achievements in sports.

2.???In the Government Order second read above the scheme of accelerated promotion was withdrawn.

3.???Government are of the considered view that Police Personnel who have performed acts of extraordinary bravery and valour when engaged in their efforts to apprehend and deal with hardcore criminals, terrorists and other anti.social elements should be suitably recognized.

4.???Now therefore, the Government consider that accelerated promotion may be awarded to those Police Personnel who have performed acts of extraordinary bravery and valour in achieving operational success.

5.???The Government hereby order the constitution of a Committee under the Chairpersonship of the Chief Secretary for considering the cases of accelerated promotion to Police Personnel with the following members:.

(i).Principal Secretary to Government, Home,

Prohibition and Excise Department

. Member

(ii).Principal Secretary to Government, Personnel

and Administrative Reforms Department

. Member



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(iii).Director General of Police

Member

The above Committee will examine the cases of awarding accelerated promotion to police personnel who have performed acts of extraordinary bravery and valour in achieving operational success and submit its recommendations to the Government for issuing suitable orders. The Committee will meet as and when the necessity arises.

6. Suitable amendments will be issued to the Statutory Service Rules separately.

(BY ORDER OF THE GOVERNOR)

NIRANJAN MARDI

PRINCIPAL SECRETARY TO GOVERNMENT

11.In terms of the said GO, it is the policy decision of the Government that the police personnel, who have performed acts of extraordinary bravery and valour when engaged in their efforts to apprehend and deal with hardcore criminals, terrorists and other antisocial elements should be suitably recognised. The special report of the Inspector of Police, D5 Marina Police Station, dated 01.06.2004 itself would suffice to understand the act of gallantry involved by the petitioner and his colleague Thiru.Velladurai at the time of intercepting the notorious gang of Veeramani, who were moving to Ayodhi Kuppam with deadly weapons. However, it is ridiculous and unanswered as to why the special report of the Inspector of D5 Marina Police Station, Greater Chennai Police with respect to the gallantry of the petitioner



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was not considered and negated by the higher ups in the Police Department including Joint Commissioner of Police, Commissioner of Police and Director General of Police, Tamil Nadu.

12.Though grant of accelerated promotion for the outstanding professional achievements cannot be treated as a routine affair, the proposals have to be placed before the board with full details and justification. Accelerated promotion should be based on one's role in the action and the nature of the risk taken by the individual during the adventure/event. However, a careful perusal of the impugned G.O would reveal that the special report, dated 01.06.2004 given by the Inspector of Police, D5 Marina Police Station was not placed before the Accelerated Promotion Committee. The said report was neither placed before the Accelerated Promotion Committee nor before the first respondent for proper appreciation.

13.The rules governing the service conditions of the Government employees nowhere define the term Accelerated Promotion. But, G.O.Ms.No. 468 Home, dated 19.03.1996 contemplates the detailed procedure to be followed in awarding accelerated promotion for outstanding performance in



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the professional achievement or in the field of sports. As per G.O.Ms.No.468, dated 19.03.1996 for awarding accelerated promotion the professional achievements and sports are prescribed as under:

Professional Achievements:

1. *Performance of High Order and Exceptional Personal ability in achieving Operational success at Great risk to personal life.*
2. *Professional competency of a very high order in detecting sensational murder, dacoity, robbery and other such cases having ramification in other parts of the country and its successful prosecution.*

Sports Achievements:

3. *Successful performance in the All India Police Duty meet by securing First Rank in scientific aids to investigation, computers, Motor Transport and Revolver and Rifle Shooting.*
4. *Representing the country in the International meets.*
5. *Securing Gold Medal in National/All India Police Meets.*
6. *Creating new National/All India Police Meet Records.*

14. In terms of the mandates of the aforesaid GO, I am of the considered opinion that the complete case history of the encounter of the notorious rowdy gang namely Veeramani on 27.07.2003 has not been placed along with the special report of the Inspector of Police, D5 Marina police station, dated 01.06.2004 for appreciation before the Accelerated Promotion



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Committee and before the first respondent. That apart, the request for accelerated promotion made by the petitioner has been rejected by the impugned G.O.Ms.No.120, dated 25.02.2020 on the recommendation of the Accelerated Promotion Committee by the first respondent without reference to any statutory rules or appraisal of the petitioner's individual merit and ability. The impugned G.O is cryptic in nature and rests on the sole reason that the petitioner's colleague Thiru. Velladurai was not granted with accelerated promotion. I have no hesitation to hold that the impugned GO lacks procedural fairness and the same is incomplete. In the absence of appraisal of the petitioner's individual merit and acts of bravery as contemplated in G.O.Ms.No.468 Dome department, dated 19.03.1996, the impugned GO is found to be not in order.

15.In view of the same this writ petition is allowed and the impugned G.O.Ms.No.120 Home Police III Department, dated 25.02.2020 is hereby quashed and consequently, the first respondent is directed to remit the case of the petitioner for accelerated promotion back to the Accelerated Promotion Committee constituted as per G.O.Ms.No.805, dated 07.10.2013 with the complete file pertaining to the encounter of the gangster Veeramani on



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27.07.2003 along with the special report of the Inspector of Police, D5 Marina police station, dated 01.06.2004 on the encounter of the gangster Veeramani on 27.07.2003 and thereafter, on the basis of the recommendation of the Accelerated Promotion Committee, the first respondent is directed to pass appropriate orders in accordance with law. The entire exercise is directed to be completed within a period of ten (10) weeks from the date of receipt of copy of this order. There shall be no order as to costs. Consequently, connected miscellaneous petitions are closed.

19.03.2024

NCC : Yes / No

Index : Yes / No

Internet : Yes

PNM

To

1. The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home (Police.3) Department,
Secretariat, Chennai 600 009.
2. The Principal Secretary to Government,
Home, Prohibition and Excise Department,
Secretariat, Chennai 600 009.
3. The Principal Secretary to Government,
Personnel and Administrative Reforms Department,
Secretariat, Chennai 600 009.
4. The Director General of Police,
Chennai.
5. The Superintendent of Police,



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Thoothukudi District Thoothukudi.

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L.VICTORIA GOWRI, J.

PNM

ORDER IN
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and WMP(MD) No.21603 of 2022 and 24436 of 2023

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