



WEB COPY



WP No. 4543 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23-07-2026

CORAM

THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM

AND

THE HON'BLE MR.JUSTICE N.SENTHILKUMAR

WP No. 4543 of 2019 AND

WMP NO. 5132 OF 2019

P.Ashok Nataraja
Additional Superintendent of Police, A1/6, AC
Quarters, 3rd Avenue, Anna Nagar,
Chennai-600 040.

..Petitioner

Vs

1. The State of Tamil Nadu
By its Secretary, Department of Home,
Secretariat, Fort St.George,
Chennai - 600 009.
2. The Director General of Police,
Office of the Director of Police,
Mylapore, Chennai -600 004
3. The Additional Director General of Police
(L and O), Office of Director General of Police,
Chennai - 600 004.
4. The Commissioner of Police,
Coimbatore City, Coimbatore.
5. Deputy Inspector General of Police,
Coimbatore Range, Office of the
Commissioner of Police, Coimbatore.
6. The State of Tamilnadu, The Department of
Law,By its Secretary, Secretariat, Fort
St.George, Chennai - 600 009.



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7. The Secretary to the Govt.,
Personnel and Administrative Reforms
Department, Secretariat, Chennai. (R7 suo
motu impleaded vide order dt 04/06/2019
made in WP.No.4543/19 by SMKJ and SPJ)

..Respondents

Prayer : Writ Petition under Article 226 of the Constitution of India praying for a Writ of Declaration declaring the Item (11) Part A of Schedule XI of Tamilnadu Government Servants (Conditions of Service) Act, 2016, violates Art.14 of the constitution, consequently the Impugned order passed by the 1st respondent dated 22.05.2018 as null and void subsequently directing the respondents to give promotion to the petitioner with appropriate seniority w.e.f.07.07.2009 with all attendant benefits.

For Petitioner(s):	Mr.Vasudevan
For Respondent(s):	Dr.R.Gouri, Government Counsel

Order

(Order of the Court was made by S.M.Subramaniam J.)

The writ on hand has been instituted challenging the Government Order in G.O.(D) No.547 Home (Police-2) Department dated 22.05.2018, rejecting the claim of the writ petitioner for grant of promotion to the post of Deputy Superintendent of Police by including his name in the panel of the year 2008-09.



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2. The petitioner was directly recruited as Sub Inspector of Police in the year 1987. He was promoted as Inspector of Police in the year 1998 and Deputy Superintendent of Police in the year 2010. He is due for promotion to the post of Deputy Superintendent of Police in the panel for the year 2008-09, but was not considered. However, he was subsequently promoted as Deputy Superintendent of Police and Additional Superintendent of Police in the year 2018 and retired from service.

3. Learned counsel for the petitioner Mr.Vasudevan would submit that the petitioner has been awarded several medals and was a meritorious officer. Departmental disciplinary proceedings was initiated based on false allegations and a punishment of reduction in rank by one stage for a period of three years was imposed on him. On appeal, the appellate authority modified the punishment to that of postponement of increment for one year without cumulative effect, which is a minor punishment.

4. Relying on the minor punishment, learned counsel for the petitioner would reiterate that the name of the petitioner ought to have been included in the panel of Inspectors of Police fit for promotion to the post of Deputy Superintendent of Police for the year 2008-09.

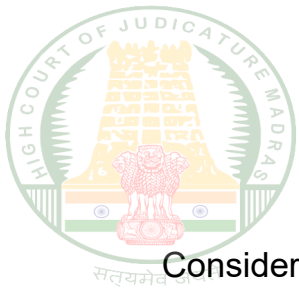


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5. The writ petition has been filed challenging Item (11) Part A of Schedule XI of Tamilnadu Government Servants (Conditions of Service) Act, 2016. As far as the above provision under the Act is concerned, even similar condition was available prior to the Conditions of Service Act. The Government issued directions to consider the officers for promotion by imposing terms and conditions. Currency of punishment even before the Conditions of Service Act was a bar for grant of promotion. Therefore, the challenge made regarding Item (11) Part A of Schedule XI of Tamilnadu Government Servants (Conditions of Service) Act, 2016 may not be relevant in the present case, since the punishment was imposed in the year 2005 and the claim of the petitioner for promotion to the post of Deputy Superintendent of Police is in the panel for the year 2008-09.

6. On merits, the Government considered the claim of the petitioner and found that he was suffering currency of punishment and therefore ineligible for grant of relief ie., promotion on par with his juniors who were promoted as Deputy Superintendent of Police in the panel for the year 2009-09.

7. The principles for grant of promotions are now settled. Promotion is not a vested right. Consideration for promotion is a right of employee.



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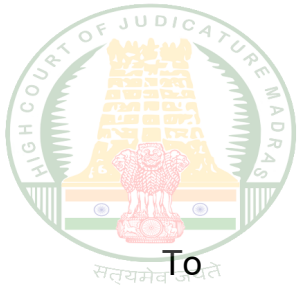
Consideration must be made in accordance with the Service Records of the individual officers. Consideration for inclusion is procedural and therefore mere inclusion in the panel would not confer any right. Right would accrue only if actual promotion is granted to an officer. In the present case, the name of the petitioner was not even considered for inclusion in the panel for the year 2008-09 on the ground that he suffered punishment and currency of punishment was in force. Therefore, the Government has taken a decision not to grant retrospective promotion to the petitioner based on the conditions stipulated in the Government Orders for grant of promotion. Such Government Orders are subsequently made as Conditions of Service Act and that being the factum, this Court does not find any merit to grant the relief as such sought for in the writ petition.

8. For the above reasons, the writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

(S.M.S.,J.) (N.S.,J.)
23-07-2026

Index: Yes
Speaking order
Neutral Citation: Yes

KST

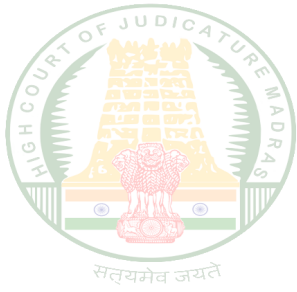


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