



WEB COPY



WA No. 2012 of 2026

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED: 22-07-2026**

**CORAM**

**THE HON'BLE MR JUSTICE S. M. SUBRAMANIAM**

**AND**

**THE HON'BLE MR.JUSTICE N.SENTHILKUMAR**

**WA No. 2012 of 2026 AND  
CMP NO. 17501 OF 2026**

1. The Home (Police III) Department  
Secretariat, Chennai 600 009.
2. The Director General of Police  
Mylapore, Chennai 4.
3. The Deputy Inspector General of Police,  
Tirunelveli Range, Maharaja Nagar,  
Tirunelveli 627 002.
4. The Superintendent of Police  
Tirunelveli District, Palayamkottai,  
Tirunelveli 627 002.

..Appellants

Vs

R.Murugesan  
S/o.Ramaswamy Nadar, Armed Reserve,  
Palayamkottai.

..Respondent

**Prayer :** Writ Appeal under Clause XV of the Letters Patent to set aside the order passed by this Hon'ble Court in WP No.34321 of 2012, dated 02.01.2023.

For Appellant(s):

Dr.R.Gouri, Government Counsel

For Respondent(s):

Ms.R.Vijaya Kamala



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### **Judgment**

**WEB COPY (Judgment of the Court was delivered by S.M.Subramaniam J.)**

State preferred the present intra court appeal challenging the writ order dated 02.01.2023 made in W.P.No.34321 of 2012.

2. With the consent of the parties, the writ appeal is taken up for final hearing at the admission stage.

3. The respondent was recruited as Grade II Police Constable in Tamil Nadu Special Police III Battalion, Manimuthar on 26.12.1985 and he was promoted as temporary Havildar on 16.12.1993 at Tamil Nadu Special police. At his own risk, he has relinquished his seniority and transferred from TSP III Battalion to District Armed Reserve, Tirunenveli. In other words, the respondent has foregone his seniority in the Tamil Nadu Special Police and joined as Grade II Police Constable in District Armed Reserve on 01.07.1996. Based on his seniority in the District Armed Reserve, he was promoted as Grade I Naik and Head Constable with effect from 27.08.1997 and 22.07.2022 respectively at Armed Reserve, Tirunelveli. His date of upgradation was later modified with effect from 01.01.1996 and 01.01.2001 instead of 27.08.1997 and 21.09.2010 respectively as Police Constable I and Head Constable respectively in accordance with the proceedings dated 29.01.2010 issued by the Director General of Police.



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4. The respondent earlier filed W.P.No.22221 of 2009 seeking a direction to include his name in the 'C' list of persons fit for promotion as Naik as early as on 26.12.1995 and fit for promotion as Head Constable as on 09.12.1997. He sought for granting seniority on par with one Lakshmanan and also inclusion of his name in the list of Head Constables fit for promotion as Sub Inspector (Armed Reserve) in the year 2003. Test was conducted to assess his suitability / eligibility for inclusion of his name in the 'C' list of Head Constables fit for promotion as Sub Inspector of Police (Armed Reserve) for the year 2003 and the written test was conducted on 02.05.2011.

4. The respondent secured requisite marks and permitted to attend Drill Test and Viva-voce on 03.05.2011. The details of the marks secured by the respondent is hereunder:

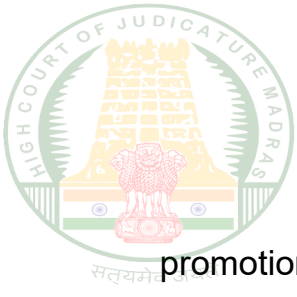
|                 |   |                          |
|-----------------|---|--------------------------|
| Written Test    | : | 15.64 (30 marks)         |
| Drill Test      | : | 07.05 (10 marks)         |
| Viva-voce       | : | 06.00 (10 marks)         |
| Service Record  | : | 06.00 (30 marks)         |
| Clean 'D' Sheet | : | 10.00 (10 marks); and    |
| Rewards         | : | 05.00 (10 marks)         |
| <b>Total</b>    | : | <b>50.14 (100 marks)</b> |



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5. In the context of above facts, it is to be noted that the writ petition has been instituted in the year 2012, after a lapse of about nine years from the date of completion of the test conducted by the Department for inclusion of the name of the respondent in the panel of the year 2003 for promotion to the post of Sub Inspector of Police. That apart, challenging the decision taken by the authorities, the respondent has not preferred any appeal or revision as contemplated under the Service Rules applicable. The writ petition ought to have been rejected on the ground of delay and laches.

6. Secondly, the alternate remedy contemplated under the Service Rules had not been exhausted. Even on merits, the respondent passed the written test and was permitted to participate in the Drill Test and Viva-voce and he secured 50.14 marks out of 100. However, the cut-off for promotion to the post of Sub Inspector of Police (Armed Reserve) for the year 2003 was fixed at 65.34. Thus, the respondent was within the zone of consideration for inclusion of his name in the panel of Sub Inspector (Armed Reserve) for the year 2003. Delay and laches is not considered by the Writ Court. That apart, the cut off marks fixed by the department at 65.34 was also not taken into consideration with reference to the marks secured by the respondent ie., 50.14. Even as per the Rules, grievances relating to revision of seniority and



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promotion must be redressed within a period of three years. However, the writ petition itself has been instituted after a lapse of nine years.

7. For all the above reasons, the writ order impugned dated 02.01.2023 passed in W.P.No.34321 of 2012 is set aside. The writ appeal is allowed. No costs. Consequently, connected miscellaneous petition is closed.

**(S.M.S.,J.) (N.S.,J.)**  
**22-07-2026**

Index: Yes  
Speaking order  
Neutral Citation: Yes/No

KST



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AND  
N.SENTHILKUMAR J.**

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