

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2015

CORAM

THE HON'BLE MR.JUSTICE SATISH K. AGNIHOTRI
AND
THE HON'BLE MR.JUSTICE M.VENUGOPAL

W.A. Nos.552 to 557 of 2015
and
connected Miscellaneous Petitions

1. The Secretary to Government
Home (Police-8) Department
Fort St. George
Chennai 600 009
2. The Director General of Police
Mylapore, Chennai 600 004 ... Appellants/Respondents

Vs.

G. Kuppusamy	... Respondent in WA No.552/2015 (Petitioner)
V. Arunagiri	... Respondent in WA No.553/2015 (Petitioner)
S. Ramesh	... Respondent in WA No.554/2015 (Petitioner)
K. Sakthivel	... Respondent in WA No.555/2015 (Petitioner)
S. Rathinam	... Respondent in WA No.556/2015 (Petitioner)
K. Murugesan	... Respondent in WA No.557/2015 (Petitioner)

Writ Appeals preferred under Clause 15 of the Letters Patent as against the order dated 20.03.2014 passed in W.P. No.2397 of 2008, 20760 of 2007, 31173 of 2007, 31174 of 2007, 37795 of 2007 and 14835 of 2008 respectively.

W.P. No.2397 of 2008 : Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent herein passed in his letter NO.94207/Pol Viii /2007-3 dated 3.12.2007 and quash the same and direct the respondents herein to grant the petitioner accelerted promotin as Sub-Inspector of police with effect from 26.2.2006 and cash reward of Rs. 2 in recognition of his service in the special Task force with all consequential monetary and service benefis.

W.P.No 20760 of 2007 : Writ of Certiorarified Mandamus, to call for the records relating to the order of the 1st respondent herein passed in his letter No.30881/Pol.VIII/07-1 dt 4.6.2007 and quash the same and direct the 1st respondent herein to grant the petitioner accelerated promotion as Sub Inspector of Police with cash reward of Rs.2 lakhs in recognition of his service rendered in the Special Task Force Operation as done in the G.O.ms.No.153 Home (Police VIII) Dept. dt 26.2.2006 within a stipulated time.

W.P.No. 31173 & 31174 of 2007 : Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent herein passed in his Letter No. 25687/Police-VIII/2007-6 and 26808/Police-VIII/2007-7 respectively dated 29.8.2007 rejecting the petitioners representation and quash the same and direct the respondents herein to give the petitioner accelerated promotion as Sub-Inspector of Police with effect from 26.2.2006 and cash reward of Rs. 2 lakhs in recognition of his service rendered in Anti-Veerappan operation with all consequential monetary and service benefits.

W.P.No 37795 of 2007 : Writ of Certiorarified Mandamus, to call for the records relating to the order of the first respondent herein passed in his Letter No. 26808/Police-VIII/2007-7 dated 29.8.2007 rejecting the petitioners representation and quash the same and direct the respondents herein to give the petitioner accelerated promotion as Sub-Inspector of Police with effect from 26.2.2006 and cash reward of Rs. 2 lakhs in recognition of his service rendered in Anti-Veerappan operation with all consequential monetary and service benefits.

W.P.No 14835 of 2008 : Writ of Certiorarified Mandamus, to call for the records pertaining to the order of the respondent herein passed in Letter No.7779/Pol.8/08-3 dated 30.5.2008 and quash the same and direct the respondent herein to grant the petitioner accelerated promotion as Inspector of Police with effect from 29.10.2004 with cash reward of Rs.2 lakhs with all consequential monetary and service benefits.

For appellants : Mr. P.H. Arvinth Pandian, Add. Adv. General
assisted by
Mr. P.S. Sivashanmugasundaram
Special Government Pleader

For respondent : Mr. Ravi Shanmugam

JUDGMENT

(Judgment of the Court was made by SATISH K. AGNIHOTRI, J.)

This intra-Court appeal impugns the common order dated 20.03.2014 passed in W.P. No.2397 of 2008, 20760 of 2007, 31173 of 2007, 31174 of 2007, 37795 of 2007 and 14835 of 2008 respectively.

2. For the sake of brevity and convenience, the parties are referred to as per their rank in the instant appeals.

3. The respondents, being aggrieved by denial of benefits made available under the Government Orders issued by the Home Police Department in G.O. Ms.No.1237, dated 27.10.2004, G.O. Ms.No.1252 dated 29.10.2004, G.O. Ms.Nos.1346 and 1349 dated 06.12.2004, G.O. Ms.No.153 dated 26.02.2006 and G.O. Ms.No.1171 dated 06.08.2007, have approached this Court under Writ jurisdiction, seeking a direction to give them accelerated promotion to higher post with effect from 26.02.2006 and cash award of Rs.2 lakhs, as granted to others, in recognition of their services rendered in the Anti- Veerappan operation, with all consequential monetary and service benefits.

4. The relevant facts are in a narrow compass. The State Government, recognising the extra-ordinary courage and bravery shown by the members of the Special Task Force, constituted for the purpose of dealing with the forest brigand Veerappan, who was ultimately shot dead, granted accelerated promotion with other monetary benefits, as aforestated. All the respondents, except K. Murugesan were engaged as Drivers, who used to accompany officials in the jeep and K. Murugesan (respondent in W.A. No.557/2015) was Sub-Inspector of Police. The benefits, as available under the aforestated Government Orders were denied to the respondents on the ground that they have not played any significant role in the Anti-Veerappan operation, meaning to say that they were not in actual operation.

5. It cannot be gainsaid that any operation in such a situation is impossible without the coordination of all, including the Drivers

and other police personnel engaged in incidental works. It is also not disputed that in an operation of this nature, the Drivers have to be ready all the time to take the vehicle and drive in the extreme terrain infested with hard core criminals, like the one involved herein. The other police personnel involved directly in the operation were rewarded with accelerated promotion as well as monetary benefits. As aforesaid, the respondents were denied accelerated promotion on the wrong premise that their role was not significant.

6. The learned Single Judge, considering the entire gamut of the issue in its overall perspective, allowed the writ petitions, directing the authorities to grant one time accelerated promotion and cash reward as available under G.O. Ms.No.153, Home Police Department dated 26.02.2006.

7. We have examined the relevant Government, i.e., G.O. Ms.No.153, Home Police Department dated 26.02.2006. The object of grant of the benefit, viz., accelerated promotion by one rank and a cash reward of Rs.2 lakh, is as under:

"In his letter 7th read above, the Director General of Police has stated that 23 police personnel mentioned in the annexure to this G.O. were inducted into the STF between 1993-2004 and were deeply committed to and involved in anti Veerappan operations. Their duties and activities during STF combing operations in jungles entailed severe physical hardship, mental strain and a constant risk to their lives. Despite these severe constraints, the men had stuck their tasks and rendered yeoman service. Their contribution in the successful operation against Veerappan has not been recognised and they were reverted back from the STF into the regular police force by the time the operations were brought to a successful and with the demise of Veerappan on 18.10.2004. The Director General of Police has hence proposed that their services may also be suitably recognised by the Government by according them accelerated promotion by one rank and reward of Rs.2 lakhs each."

8. The aforesaid Government Order does not distinguish from one duty to other duty. The said Government Order itself indicates that all the personnel who were deeply committed, may be, in the form of direct involvement or by providing necessary logistic support and involved in Anti-Veerappan operation are entitled to one stage of accelerated promotion and cash reward of Rs.2 lakhs. The officers, while interpreting the said Government Order, have distinguished the

personnel on the basis of their nature of work in the Anti-Veerappan operation, without realising the importance of all personnel involved in the said operation. Thus, we are unable to take the view that only those police personnel who were directly involved in the Anti-Veerappan operation are entitled to the benefit of accelerated promotion by one rank and a cash reward of Rs.2 lakh.

9. The identical issue came into consideration before a Division Bench of this Court in the Secretary to Government, Home (Police-8) Department, Fort St. George, Chennai - 9 and another vs. V. Kathirvel¹, wherein, by order dated 04.08.2014, the Division Bench took a categorical view that the extent of participation cannot be compartmentalised in a team effort.

10. For the reasons mentioned hereinabove, without going into further details, we do not find any error or fault in the impugned common order passed by the learned Single Judge.

11. Resultantly, the writ appeals are dismissed. Costs made easy. Connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

vvk/cad

To

1. The Secretary to Government
Home (Police-8) Department
Fort St. George
Chennai 600 009

2. The Director General of Police
Mylapore, Chennai 600 004

+5cc's to Mr.Ravishanmugam, Advocate, S.R.No.33106

+1cc to the Government Pleader, S.R.No.33319

W.A. Nos.552 to 557 of 2015

RV(CO)
CA(14/07/2015)

1 W.A. No.736 of 2014