

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.06.2015

CORAM:

THE HONOURABLE MR. JUSTICE D.HARIPARANTHAMAN

Writ Petition No.17130 of 2015

N.Nithiyan

... Petitioner

vs.

- 1.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
- 2.The Deputy Inspector General of Police,
Villupuram District,
Villupuram - 605 602.
- 3.The Superintendent of Police,
Villupuram District, Villupuram - 605 602.

...
Respondents

Petition filed under Article 226 of the Constitution of India for the issuance of writ of mandamus, directing the respondents to re-fix the seniority of the petitioner on the basis of G.O.Ms.No.844 Home (Pol.V) Department, dated 03.06.1997 and G.O.Ms.No.15 Home (Pol.IV) Department, dated 07.01.2010 with all appropriate consequential service and monetary benefits.

For Petitioner : Mr.Anil Relwani
for M/s.Sankalp Associates

For Respondents : Ms.M.E.Raniselvam
Addl.Govt.Pleader

O R D E R

The petitioner has joined as Grade II Police Constable at District Armed Reserve, South Arcot on 01.06.1977.

2. The Government has issued G.O.Ms.No.1681, Home Department, dated 12.10.1992 introducing upgradation scheme taking into account the fact that thousands of police personnel were not able to get promotion. Hence, the upgradation scheme was introduced. Accordingly, 21000 Grade II Police Constables were given upgradation as Grade I Police Constables in phased manner stretched over the period of some years with effect from 1992-1993 onwards as detailed below and 2700 Grade I Police constables were given upgradation as Head Constables :-

First Phase - 9,000 Police personnel, enlisted up to 31.12.1975 were upgraded as Grade I PCs with effect from 01.01.1993

Second Phase- 4,000 Police personnel, enlisted upto 31.12.1978 were upgraded Grade I PCs with effect from 22.07.1994.

Third Phase - 4,000 Police personnel, enlisted up to 31.12.1980 were upgraded as Grade I PCs with effect from 24.11.1994.

Fourth Phase - 4,000 Police personnel, enlisted upto 31.12.1984 were upgraded as Grade I PCs with effect from 25.07.1995.

3. In view of the same, the petitioner was upgraded as Grade I Police Constable in the year 1994, i.e, he is one among the 4000 employees, who had the benefit of G.O.Ms.No.1681 dated 12.10.1992.

4. The Grade I Police Constables who have completed 5 years of service, would be upgraded as Head Constables as per G.O.(Ms).No.13 dated 06.01.2010. Accordingly, the petitioner was upgraded as Head Constable on 08.10.1999.

5. Further, G.O.Ms.No.15 Home Department, dated 07.01.2010 was issued, granting power to Superintendents of Police/Commissioners of Police to upgrade Grade II Police Constables, who were not promoted for want of vacancies, as Grade I Police Constables on completion of 10 years of service in the post of Grade II Police Constables. Likewise, they were granted power to upgrade Grade I Police Constables as Head Constables on completion of 5 years of service in the post of Grade I Police Constables. They were also given power to upgrade Police Personnel, who have completed 25 years of service as Special Sub Inspectors of Police.

6. The petitioner was also upgraded as Special Sub-Inspector of Police on 07.01.2010.

7. The petitioner has filed this writ petition, seeking for a direction to refix his seniority on the basis of G.O.Ms.No.844 Home (Pol.V) Department, dated 03.06.1997 and G.O.Ms.No.15 Home (Pol.IV) Department, dated 07.01.2010 with appropriate consequential service and monetary benefits.

8. According to the petitioner, he joined service in the year 1977 and hence, he should be upgraded as Grade I Police Constable in 1987, as Head Constable in 1992, as Special Sub Inspector of Police in 2002. He retired from service on 30.06.2011. Hence, according to him, he should be given monetary benefits as well as retirement benefits based on such fixation. A representation dated 25.02.2015 was given in this regard.

9. I have passed various orders rejecting the writ petitions of similar nature, stating that department granted concession only after issuing G.O.Ms.No.1681 dated 12.10.1992 taking into account the stagnation for so many years. The petitioner could not ask for retrospective implementation of Government Orders. Upgradation scheme was introduced and benefit was given to the petitioner as stated above. But, the petitioner wants his service to be counted from the date of entry for giving retrospective upgradation.

10. The learned counsel for the petitioner is not able to state as to how he could claim retrospective upgradation. He is not able to cite any clause in the upgradation G.Os that retrospective upgradation could be granted by counting the service from the date of entry into service.

11. In the circumstances, I am of the view that the petitioner cannot seek for retrospective upgradation, for which there is no basis. Accordingly, the writ petition is dismissed. No costs.

Sd/-
Asst.Registrar (CS III)

/true copy/

Sub Asst. Registrar

svki

To

1. The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai - 600 004.
2. The Deputy Inspector General of Police,
Villupuram District,
Villupuram - 605 602.
3. The Superintendent of Police,
Villupuram District, Villupuram - 605 602.

+1 cc to Mr.Sankalp Associates, sr.30188
+1 cc to Govt.Pleader, sr.29828

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