

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.06.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.18194 of 2015

M.Mahadevan

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Secretary to Home Department,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Vellore District.

... Respondents

* * *

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Mandamus directing the second and third respondents to revise and regularise the service seniority and given the notional promotion with monetary benefits equal to the post of Sub-Inspector of Police Rank to the petitioner on the basis of the petitioner's representation dated 13.02.2015.

* * *

For Petitioner : Mr.A.Rajaram

For Respondents : Mr.S.Gunasekaran, Govt. Advocate

ORDER

The petitioner has joined as Grade II Police Constable on 29.02.1964.

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, 21,000 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 on 19.02.1993, i.e, he is one among the 9000 employees, who had the benefit of G.O.Ms.No.1681, dated 12.10.1992.

4. The petitioner was upgraded as Head Constable on 15.01.1998 on completion of five years of service as Grade I Police Constable.

5. The Government issued G.O.Ms.No.937, Home (Police III) Department, dated 21.07.1998, granting upgradation to Head Constables as Special Sub Inspectors of Police on completion of 10 years of service as Head Constables. Admittedly, the petitioner retired from service on 30.06.2004, according to the details furnished in the affidavit filed in support of the writ petition, before he completes 10 years of service as Head Constable. Hence, he retired as Head Constable. These are all not in dispute.

6. While so, the petitioner has filed this writ petition, seeking for a direction to refix his seniority and to give notional promotion with monetary benefits on the basis of his representation dated 13.02.2015.

7. According to the petitioner, he joined service in the year 1964 and hence, he should be upgraded as Grade I Police Constable in 1974, as Head Constable in 1979, as Special Sub Inspector of Police in 1989. But, he retired from service on 30.06.2004, as Head Constable. Hence, according to him, he should be given monetary benefits as well as retirement benefits based on such fixation. He submitted a representation dated 13.02.2015 in this regard.

8. I have passed various orders rejecting the writ petitions of similar nature stating that department granted concession of upgradation only after issuing G.O.Ms.No.1681, dated 12.10.1992 taking into account the stagnation for so many years. Other upgradation Government Orders were also issued only prospectively and none of the Government Orders giving benefit of upgradation states that the upgradation could be given retrospectively. 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.

9. 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.

10. 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 liable to be dismissed.

11. Accordingly, the writ petition fails and the same is dismissed. However, there will be no order as to costs.
gg

s/d-

Assistant Registrar (CO)

True Copy

Sub-Assistant Registrar

To

1. The Principal Secretary,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
2. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai - 600 004.
3. The Superintendent of Police,
Vellore District.

+1 cc to Government Pleader, SR 31286
mg(co)
prk5/4

W.P.No.18194 of 2015