

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.07.2015

CORAM:

THE HONOURABLE MR.JUSTICE D.HARIPARANTHAMAN

W.P.No.19779 of 2015

S.Sugumaran

... Petitioner

Vs.

1. The State of Tamil Nadu rep. by
its Secretary, Home (Police) Department,
Fort St. George, Chennai - 9.

2. The Commissioner of Police,
O/o.Greater Chennai Police,
Vepery, Chennai - 07.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for the issuance of a Writ of Certiorarified Mandamus calling for records relating to second respondent's proceedings made in RC.No.Estt.III(1)/524/146704/2013, dated 24.02.2014, to quash the same and consequently direct the respondents to forthwith extend all notional benefits including revised pension and pensionary benefits thereto by taking into account the date of enlistment of the petitioner as 10.05.1972 with other benefits of upgradation as Grade-I PC, Head Constable and Special Sub Inspector of Police on completion of 10/15/25 years of services respectively.

For Petitioner : Mr.T.Tamilmani

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

ORDER

The petitioner has joined as Grade II Police Constable on 20.01.1975.

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 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 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 15.01.1998.

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 01.06.2008. He retired from service on 30.09.2009.

7. The petitioner submitted representation to the District Collector seeking for upgradation to the post of Police Constable Grade I from the post of Police Constable Grade II on completion of 10 years of service, and as Head Constable from Police Constable Grade I on completion of 5 years of service as Police Constable Grade I and as Special Sub Inspector of Police on completion of 10 years of service as Head Constable. Thereafter, he filed W.P.No.28830 of 2013 seeking the disposal

of the said representation dated 26.11.2011.

8. This Court by the order dated 24.10.2013 disposed of W.P.No.28830 of 2011 directing the petitioner to give a fresh representation to the Commissioner of Police and directed the Commissioner to consider the same and pass order on merits and in accordance with law.

9. While so, the second respondent passed the impugned order dated 24.02.2014 rejecting the representation of the petitioner. Challenging the same and also seeking a consequential direction to refix his seniority appropriately with appropriate consequential service and monetary benefits, the petitioner filed this writ petition.

10. According to the petitioner, he joined service in the year 1975 and hence, he should be upgraded as Grade I Police Constable in 1985, as Head Constable in 1990, as Special Sub Inspector of Police in 2000. He retired from service on 30.09.2009. Hence, according to him, he should be given monetary benefits as well as retirement benefits based on such fixation.

11. 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.

12. 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.

13. In the circumstances, I am of the view that the petitioner cannot seek for retrospective upgradation, for which there is no basis.

14. Accordingly, I do not find any infirmity in the impugned order and the writ petition fails and the same is dismissed. However, there is no order as to costs.

Sd/-

Asst.Registrar (CS IV)

/true copy/

Sub Asst. Registrar

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To

1. The Principal Secretary,
Home (Police) Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.

2. The Commissioner of Police,
O/o.Greater Chennai Police,
Vepery, Chennai - 07.

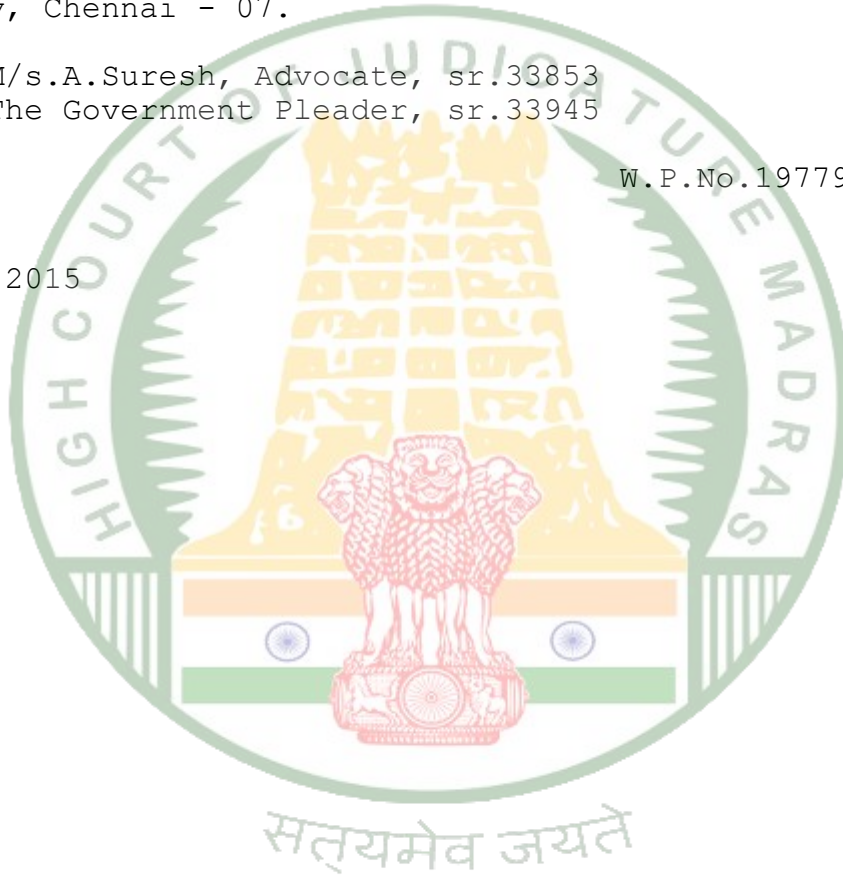
+1 cc to M/s.A.Suresh, Advocate, sr.33853

+1 cc to The Government Pleader, sr.33945

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