

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT****DATED: 22.07.2015****CORAM:****THE HONOURABLE MR. JUSTICE S.VAIDYANATHAN****W.P. (MD) Nos.12604 to 12618 of 2015**

1.I.Selvaraj	... Petitioner in W.P.(MD)No.12604 of 2015
2.K.Duraipandian	... Petitioner in W.P.(MD)No.12605 of 2015
3.V.Balakrishnan	... Petitioner in W.P.(MD)No.12606 of 2015
4.K.Kannaiya	... Petitioner in W.P.(MD)No.12607 of 2015
5.K.Natarajan	... Petitioner in W.P.(MD)No.12608 of 2015
6.Saroja Viswanathan	... Petitioner in W.P.(MD)No.12609 of 2015
7.M.Adaikkalasamy	... Petitioner in W.P.(MD)No.12610 of 2015
8.I.Panneerselvam	... Petitioner in W.P.(MD)No.12611 of 2015
9.M.Elango	... Petitioner in W.P.(MD)No.12612 of 2015
10.K.Selvaraj	... Petitioner in W.P.(MD)No.12613 of 2015
11.V.Panneerselvam	... Petitioner in W.P.(MD)No.12614 of 2015
12.P.Ashok Kumar	... Petitioner in W.P.(MD)No.12615 of 2015
13.P.Muthusamy	... Petitioner in W.P.(MD)No.12616 of 2015
14.R.Panneerselvam	... Petitioner in W.P.(MD)No.12617 of 2015
15.A.Sami Ayya	... Petitioner in W.P.(MD)No.12618 of 2015

Vs.

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
For St.George,
Chennai - 600 009.

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

3.The Superintendent of Police,
Thanjavur District,
Thanjavur.

... Respondents in all the writ petitions



Common Prayer: Petitions filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus directing the second respondent to consider and pass orders on the basis of the petitioners' representations dated 13.08.2013; 20.08.2013; 03.09.2013; 18.09.2013; 18.09.2013; 15.02.2014; 19.06.2015; 06.07.2015; 08.07.2015; 08.07.2015; 10.07.2015; 10.07.2015; 10.07.2015; 11.07.2015 and 11.07.2015 respectively, for notional promotion and retirement benefits in the light of G.O.Ms.No.844, Home Department, dated 03.06.1997 and G.O.Ms.No.15, Home Department, dated 07.01.2010.

For Petitioner in all
the writ petitions : Mr.M.Karunanithi

For Respondents in allowances
the writ petitions : Mr.S.Kumar
Additional Government Pleader
* * * *

COMMON ORDER

The common issue arises for consideration in these writ petitions are as to whether persons selected as Police Constable, appointed in different wings are entitled to claim seniority from the date of their initial appointment and whether the petitioners are entitled to get promotion as Special Sub-Inspectors of Police on completion of 25 years of service.

2.The very same issue was already considered by this Court in W.P.No.27034 of 2015(T), dated 13.04.2006 with reference to G.O.Ms.No.844, Home Department, dated 03.06.1997 and allowed the writ petition, against which the very same respondents/Department preferred W.A.No.500 of 2008 and the writ appeal was dismissed by the Division Bench on 16.06.2008. In the said writ appeal, the purport of Rule 25(b) of the Special Rules for Tamil Nadu Police Subordinate Service Rules was considered. In the said rule it is stated as follows:

"25(b). The transfer of a person from one class or category of the service to another class or category carrying the same pay or scale of pay shall not be treated as first appointment to the latter for the purpose of seniority and the seniority of a person so transferred, shall be determined with reference to the rank in the class or category from which he was transferred. Where any difficulty or doubt arises in applying this sub-rule, seniority shall be determined by the appointing authority."

Thus it is evident that merely because a police person is transferred from one District to another District or from one Wing



to another Wing, he will not lose his seniority.

3. Conferment of promotion as Special Sub-Inspector of Police on completion of 25 years is bound to be given in terms of G.O.Ms.No.844, Home Department, dated 03.06.1997 and G.O.Ms.No.937, Home Department, dated 21.07.1998. In G.O.Ms.No.15, Home Department, dated 07.01.2010 it was further ordered as follows:

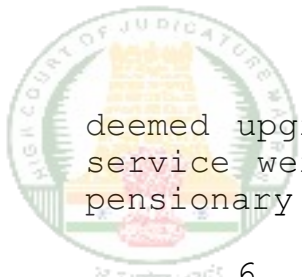
"(i) Grade-II Police Constables, who have not been promoted as Grade-I Police Constable for want of vacancies, may be upgraded as Grade-I Police Constables by the Superintendents of Police/Commissioners of Police concerned on completion of 10 years of qualifying service (in the post of Grade-II Police Constables) from the first of the month succeeding the date of completion of 10 years.

(ii) Grade-I Police Constables, who have not been promoted as Head Constables for want of vacancies may be upgraded as Head Constables by Superintendent of Police/Commissioners of police concerned on completion of 5 years or qualifying service (in the post of Grade-I Police Constable) from the 1st of the month succeeding the date of completion of 5 years.

(iii) The Constables, who have completed 25 years of service, out of which 10 years of service have been completed as Head Constables and not able to get regular promotion as Sub-Inspector of Police may be given upgradation as Special Sub-Inspectors of Police from the first of the month succeeding the date of completion of 25 years of service by the respective Deputy Inspector General of Police/Commissioners of Police."

4. From the above Government orders it is evident that actual service of five years as Head Constable is not required for giving upgradation as Special Sub-Inspector of Police as they have been deemed to be promoted for the respective cadre of Head Constable on completion of five years as Grade-I PC (deemed upgradation) and ten years of service as Head Constable from the date of deemed upgradation as Head Constables, provided 25 years of total service is available. The said Government Orders were also extended to several persons similarly placed and batch of cases were allowed by applying the said Government Orders. The only contention raised by the learned Special Government Pleader in these writ petitions are even if the seniority of the police constable should be counted from the date of appointment, irrespective of the transfer to other Wing or District, one has to complete five years of service as Head Constable for getting promotion as Special Sub-Inspector of Police. The Government order nowhere states that actual five years service in the cadre of Head Constable is mandatory.

5. It is not in dispute that similarly placed persons were already given the benefit of promotion as Special Sub-Inspector of Police on completion of 25 years of total service, considering



deemed upgradation of their posts and several persons retired from service were also given benefits, including revision of salary and pensionary benefits.

6. In the light of the said undisputed facts, the petitioners in these writ petitions are entitled to get similar benefits. Accordingly, these writ petitions are disposed of. No costs.

sd/-

Assistant Registrar

/True copy/

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To

1.The Secretary to Government,
Home Department,
Government of Tamil Nadu,
For St.George, Chennai - 600 009.

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

3.The Superintendent of Police,
Thanjavur District, Thanjavur.

+one cc to Mr.M.Karunanithi, Advocate in SR.No.40212

+15 cc to Mr.M.Karunanithi, Advocate in
SR.NO.40892,40893,40894,40895,40896,40897,40898,40899,40900,40901,
40902,40903,40904,40905,40906/15.

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CSL/20.08.2015

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