

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.09.2016

CORAM:

THE HONOURABLE MR. JUSTICE R.SUBBIAH

W.P.Nos.25775 to 25777 of 2014

M.Arumugam .. Petitioner in W.P.No.25775 of 2014

M.Chellapandian ..Petitioner in W.P.No.25776 of 2014

A.Karmegam ..Petitioner in W.P.No.25777 of 2014

vs.

1.The State of Tamil Nadu
Rep by Principal Secretary
to Government,
Home Department,
Secretariat,
Chennai-600 009.

2.The Director General of Police,
Mylapore,
Chennai-600 008.

3.The Additional Director General of Police,
Armed Force,
Kilpauk,
Chennai-600 010.

.. Respondents

Prayer in W.P.No.25775 of 2016: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the services rendered by the petitioner in the post of temporary Sub-Inspector of Police for seniority, fixation of salary and granting of Selection Grade scale of pay and other service benefits by including the name of the petitioner in the B list from the date of temporary promotion as on 20.04.1999 by considering the representation submitted by the petitioner dated 11.07.2009.

Prayer in W.P.No.25776 of 2016: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the services rendered by the petitioner in the post of temporary Sub-Inspector of Police for seniority, fixation of salary and granting of Selection Grade scale of pay and other service benefits by including the name of the petitioner in the B list from the date of temporary promotion as on 12.01.2001 by considering the representation submitted by the petitioner dated 14.11.2011.

Prayer in W.P.No.25777 of 2016: Writ Petitions filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents to consider the services rendered by the petitioner in the post of temporary Sub-Inspector of Police for seniority, fixation of salary and granting of Selection Grade scale of pay and other service benefits by including the name of the petitioner in the B list from the date of temporary promotion as on 12.01.2001 by considering the representation submitted by the petitioner dated 09.10.2013.

For Petitioner : Mr.G.Sankaran,
in all W.Ps.

For Respondents : Mr.S.Gunasekaran,
in all W.Ps. Additional Govt. Pleader

C O M M O N O R D E R

The issue involved in these writ petitions are one and the same and hence, all the writ petitions are disposed of by this common order.

2. The petitioner in W.P.No.25775 of 2014, namely Thiru.M.Arumugam was appointed as Police Constable in Tamil Nadu Special Police (TSP) on 15.09.1981 and was posted in General Category of Tamil Nadu Special Police and subsequently, on passing the requisite Departmental Test, the petitioner was promoted to the post of Lance Naik in the year 1980, Naik in the year 1992, Havildar in the year 1994. The petitioner attended the Board for promotion to the post of Sub-Inspector of Police in the year 1996 and then promoted as Sub-Inspector of Police on temporary basis on 08.12.1997 and thereafter, he was again reverted in the year 1998 and he was further promoted to the post of Sub-Inspector of Police on 20.04.1999.

3. The petitioner in W.P.No.25776 of 2014, namely Thiru.M.Chellapandian was appointed as Police Constable in Tamil Nadu Special Police (TSP) on 01.08.1984 and was posted in General Category of Tamil Nadu Special Police and subsequently, on passing the requisite Departmental Test, the petitioner was promoted to the post of Lance Naik in the year 1993, Naik in the year 1995, Havildar in the year 1997. The petitioner attended the Board for promotion to the post of Sub-Inspector of Police on 16.06.1999 and he was given promotion as Sub-Inspector of Police on temporary basis on 12.01.2001.

4. The petitioner in W.P.No.25777 of 2014, namely Thiru.A.Karmegam was appointed as Police Constable in Tamil Nadu Special Police (TSP) on 01.08.1984 and was posted in General Category of Tamil Nadu Special Police and subsequently, on passing the requisite Departmental Test, the

petitioner was promoted to the post of Lance Naik in the year 1993, Naik in the year 1995, Havildar in the year 1997. The petitioner attended the Board for promotion to the post of Sub-Inspector of Police on 16.06.1999 and he was given promotion as Sub-Inspector of Police on temporary basis on 12.01.2001.

5. While so, the petitioners have been given regular promotion to the post of Sub Inspector of Police only in the year 2004 as per the proceedings of the Inspector General of Police (Armed Police), Trichy dated 24.09.2004. The grievance expressed by the petitioners is that they are entitled for regular promotion from the date of temporary promotion as Sub Inspector of Police in view of availability of regular vacancy as on the date of their temporary promotion and hence, came forward with these writ petitions praying for a direction to the respondents to consider the services rendered by the petitioners in the post of temporary Sub-Inspector of Police for seniority, fixation of salary and granting of Selection Grade scale of pay and other service benefits by including the name of the petitioners in the B list from the date of temporary promotion as on 20.04.1999 and 12.01.2001 respectively by considering the representation submitted by the petitioners dated 11.07.2009, 14.11.2011 and 09.10.2013 respectively.

6. The third respondent has filed a counter affidavit in these writ petitions stating interalia that in the order of temporary promotion to the post of Sub-Inspector of Police for 54 Havildars of the TSP Battalions, the Inspector General of Police, Armed Police, Chennai-10 in his Memo C.No.Estt.1(1)/11545/IG/2000 (O/O.No.11/2001) dated 12.01.2001 has specifically ordered that Havildars (General) who are promoted as Sub-Inspectors of Police (General) purely on temporary basis irrespective of their seniority, shall not be regarded as probationers in the post nor be entitled any preferential claim to future appointment to the post and the Commandants have been instructed to obtain an undertaking from the Havildars and therefore, the petitioners herein cannot claim any right that their regular promotion was delayed due to delay in redeploying the post of Sub-Inspector of Police back to the General category and the redeployment of the posts is the discretion of the Head of the Department and the Government.

7. When the matter is taken up for consideration, Mr.G.Sankaran, learned counsel appearing for the petitioners submitted that temporary promotion was given to the petitioners on adhoc basis in the regular vacancies and therefore, there cannot be any impediment on the part of the respondents to consider the petitioner's request and in this regard, invited the attention of this Court to the proceedings of the Inspector General of Police, Armed Police, Chennai-10

in C.No.Estt.I(1)/11545/IG/2000 dated 12.01.2001 wherein it has been stated that revised combined seniority list of Havildar (Genl.) has been drawn in the Armed Police for the purpose of ordering temporary promotions to the rank of Sub-Inspectors (Genl.) to till up vacancies to the extent necessary and in para 3 of the said proceedings stated that large number of vacant posts of Sub-Inspectors (Genl.) cannot be kept vacant for a long time and for the effective deployment of companies, it has been decided to fill up these posts by ordering temporary promotions and therefore, the Commandants of all TSP Battalions have been directed to send the seniority list of Havildars (Genl.) along with seniority register etc., for the preparation of combined seniority list through their Establishment Superintendent/Assistant. Thus, the learned counsel appearing for the petitioners sought for a direction to the respondents to consider the representations of the petitioners.

8. Heard the submissions of Mr.S.Gunasekaran, learned Additional Government Pleader appearing for the respondents and also perused the materials placed before it.

9. This Court, with going into merits of the claim projected by the petitioners, directs the petitioner to give fresh representation along with a copy of this order to the respondents within a period of two weeks from the date of receipt of a copy of this order and the respondents, on receipt of the same, is directed to consider the same and pass orders in the light of the proceedings of the Inspector General of Police, Armed Police, Chennai-10 in C.No.Estt.I(1)/11545/IG/2000 dated 12.01.2001, within a period of six weeks thereafter.

10. These Writ Petitions are disposed of accordingly. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (CS IV)

//True Copy//

Sub Assistant Registrar

jvm

To

1.The Principal Secretary to Government,
The State of Tamil Nadu
Home Department,
Secretariat, Chennai-600 009.

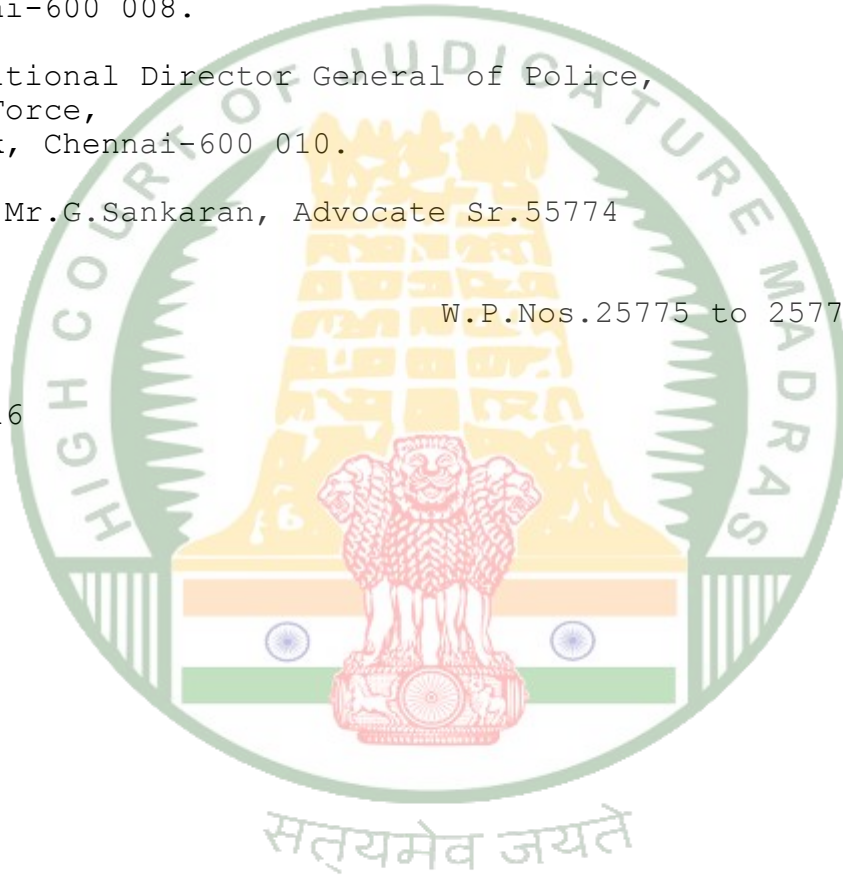
2.The Director General of Police,
Mylapore,
Chennai-600 008.

3.The Additional Director General of Police,
Armed Force,
Kilpauk, Chennai-600 010.

+ 1 cc to Mr.G.Sankaran, Advocate Sr.55774

W.P.Nos.25775 to 25777 of 2014

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