

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:17.06.2016

CORAM

THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.20474 to 20484 of 2016

P.Thangavelu	.. Petitioner in WP.No.20474 of 2016
R.Nallappan	.. Petitioner in WP.No.20475 of 2016
K.Mohan	.. Petitioner in WP.No.20476 of 2016
N.Munusamy	.. Petitioner in WP.No.20477 of 2016
G.Jayakumar	.. Petitioner in WP.No.20478 of 2016
R.Pannerselvam	.. Petitioner in WP.No.20479 of 2016
K.Arumugam	.. Petitioner in WP.No.20480 of 2016
R.Gothandapani	.. Petitioner in WP.No.20481 of 2016
K.Jagadesan	.. Petitioner in WP.No.20482 of 2016
G.Padmanaban	.. Petitioner in WP.No.20483 of 2016
R.Arunachalam	.. Petitioner in WP.No.20484 of 2016

vs

1. The State of Tamil Nadu
rep. by its Home Secretary
Fort St.George, Chennai - 9.
2. The Director General of Police
Kamarajar Salai
Mylapore, Chennai 600 004. ... Respondents in all Wps.
3. The Deputy Inspector General of Police
Salem Range, Salem.
4. The Superintendent of Police
Salem District
Salem. ... Respondents 3 & 4 in WP.20474/16
5. The Deputy Inspector General of Police
Vellore Range, Vellore.
6. The Superintendent of Police,
Vellore District,
Vellore. ... Respondents 3 & 4 in WP.Nos.20475 to
20484/2016

Prayer: Writ Petition filed under Article 226 of the constitution of India praying for the issuance of Writ of Certiorarified Mandamus (i) to call for the records relating to the impugned order Na.Ka.No.A2/297/41234/2015 dated 28.9.2015 issued by the 4th respondent in W.P.No.20474 of 2016.

(ii) to call for the records relating to the impugned order Na.Ka.No.A2(1)/757/036854/15 dated 30.8.2015 issued by the 4th respondent in W.P.No.20475 to 20482 of 2016.

(iii) to call for the records relating to the impugned order Na.Ka.No.A2(1)/757/036854/15 dated 27.10.2015 issued by the 4th respondent in W.P.No.20483 and 20484 of 2016;

and quash the same with the consequential direction to all respondents to provide notional promotion with all salary and pension benefits as such in the case of petitioners in WP(MD) No.2888 of 2011, 2989 of 2011 dated 27.6.2011 and 4864 of 2011 dated 27.4.2011.

For Petitioners : Mr.D.Saravanan
in all W.Ps.
For Respondents : Mr.A.Kumar
in all W.Ps. Special Government Pleader

COMMON ORDER

The petitioners in all these Writ Petitions, who are all retired police personnel, seek to quash the impugned order passed by the 4th respondent in rejecting the request made by them for retrospective up-gradation of their respective posts in the Police Department and to consequently, direct the respondents to provide notional promotion with all salary and pension benefits.

2. When the matter is taken up today for admission, the learned Special Government Pleader appearing on behalf of the respondents by producing the copy of the order passed by this Court in W.P.No.19779 of 2015, dated 06.07.2015, would submit that an identical issue was already considered by the learned Single Judge of this Court, wherein this Court by holding that the petitioner therein cannot seek for retrospective up-gradation of his post, rejected the request made by the petitioner therein. Accordingly, he would pray that these Writ Petitions may also be dismissed in the light of the said judgment.

3. Heard both sides.

4. On a bare perusal of the order passed by this Court, it is seen that this Court, by considering the various Government Orders issued from time to time, with regard to up-gradation of the posts in the Police Department considering the length of their service in a particular post, has rejected the prayer sought for, on the ground that no retrospective effect could be given. The relevant portion of the said order is as follows:-

"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."

5. Considering the facts and circumstances of the case and in view of the earlier order passed by this Court in similar circumstances, I do not find any infirmity in the impugned order passed by the 4th respondent. Accordingly, all these Writ Petitions are dismissed. No costs.

s/d-
Assistant Registrar (CS-V)

True Copy

Sub-Assistant Registrar

To

1. The Home Secretary
State of Tamil Nadu
Fort St.George, Chennai - 9.
2. The Director General of Police
Kamarajar Salai
Mylapore, Chennai 600 004.

3. The Deputy Inspector General of Police
Salem Range, Salem.

4. The Superintendent of Police
Salem District, Salem.

5. The Deputy Inspector of Police,
Vellore Range, Vellore.

6. The Superintendent of Police,
Vellore Range, Vellore.

+ 1 cc to Govt.Pleader High Court, Madras SR 33714

+ 11 ccs to M/s.D.Ramesh Kumar, Advocate SR 33622 to 33632

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