

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED:20.06.2016

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THE HON'BLE MR.JUSTICE B.RAJENDRAN

W.P.Nos.20691 to 20695 of 2016

W.P.No.20691 of 2016:

K.Chandran	...	Petitioner in W.P.No.20691 of 2016
N.Radhakrishnan	...	Petitioner in W.P.No.20692 of 2016
P.Rajagopalan	...	Petitioner in W.P.No.20693 of 2016
M.Soundarajan	...	Petitioner in W.P.No.20694 of 2016
M.Manoharan	...	Petitioner in W.P.No.20695 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.
3. The Commissioner of Police,
Chennai City
Chennai - 7. ... Respondents in all W.Ps.

Prayer in W.P.No.20691 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order in Na.Ka.No.PPII/809/24428/KI.M/2015 dated 17.12.2015 issued by the 3rd respondent and to 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 W.P.(MD)Nos.2888 of 2011, 2989 of 2011 order dated 27.06.2011 and 4864 of 2011 order dated 27.04.2011.

Prayer in W.P.No.20692 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order in Na.Ka.No.Pa.Pi2(1)/280/43256/2015 dated 22.12.2015 issued by the 3rd respondent and to 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 W.P.(MD)

Nos.2888 of 2011, 2989 of 2011 order dated 27.06.2011 and 4864 of 2011 order dated 27.04.2011.

Prayer in W.P.No.20693 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order in Na.Ka.No.Pa.Pi2(1)/280/43256/2015 dated 22.12.2015 issued by the 3rd respondent and to 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 W.P.(MD) Nos.2888 of 2011, 2989 of 2011 order dated 27.06.2011 and 4864 of 2011 order dated 27.04.2011.

Prayer in W.P.No.20694 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order in Na.Ka.No.Pa.Pi2(1)/280/43256/2015 dated 22.12.2015 issued by the 3rd respondent and to 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 W.P.(MD) Nos.2888 of 2011, 2989 of 2011 order dated 27.06.2011 and 4864 of 2011 order dated 27.04.2011.

Prayer in W.P.No.20695 of 2016: Writ petition filed under Article 226 of the Constitution of India praying for the issuance of a writ of certiorarified mandamus to call for the records relating to the impugned order in Na.Ka.No.PA.PI2(1)/280/43256/2015 dated 22.12.2015 issued by the 3rd respondent and to 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 W.P.(MD) Nos.2888 of 2011, 2989 of 2011 order dated 27.06.2011 and 4864 of 2011 order dated 27.04.2011.

For Petitioners : Mr.D.Saravanan
in all W.Ps.

For Respondents : Mr.S.Gunasekaran
in all W.Ps. Additional 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 third respondent in rejecting the request made by them for 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 Additional 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 third respondent. Accordingly, all these writ petitions are dismissed. No costs.

-s/d-

Assistant Registrar

True Copy

Sub-Assistant Registrar

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To

1. The Home Secretary
Fort St.George, Chennai-9.

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

3. The Commissioner of Police,
Chennai City
Chennai - 7.

+1 cc to the Government Pleader sr.34130

+5 ccs to Mr.D.Ramesh kumar Advocate sr.34457 to 34461

सत्यमेव जयते

W.P.Nos.20691 to 20695 of 2016

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