

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.20696 to 20706 of 2016

J.MAHABOOBKHAN ..Petitioner in W.P.No.20696 of 2016
S.Y.MEERJOHN ..Petitioner in W.P.No.20697 of 2016
K.RAJENDRAN ..Petitioner in W.P.No.20698 of 2016
R.RAJU ..Petitioner in W.P.No.20699 of 2016
M.NATARAJAN ..Petitioner in W.P.No.20700 of 2016
P.ERANDAYERAM ..Petitioner in W.P.No.20701 of 2016
N.MANI ..Petitioner in W.P.No.20702 of 2016
M.VADIVEL ..Petitioner in W.P.No.20703 of 2016
P.PACHIAPPAN ..Petitioner in W.P.No.20704 of 2016
P.SELVARAJ ..Petitioner in W.P.No.20705 of 2016
V.DEVENDRAN ..Petitioner in W.P.No.20706 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,
Salem City, Salem.

..RESPONDENTS IN WPS.20696, 20697, 20700, 20701,
20702, 20703, 20705, 20706/16

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 Deputy Inspector General of Police,
Salem Range, Salem-7.

4. The Superintendent of Police,
Salem District Salem.

..RESPONDENTS IN WPS.20698, 20704/16

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,
Trichy City, Trichy.

..RESPONDENTS IN WPS.20699/16

Prayer: These Writ Petitions are filed under Article 226 of the Constitution of India praying for the issuance of a writ of mandamus to direct the respondents to provide notional promotion with salary and pension benefits as such in the case of petitioners in W.P.(MD)Nos.2888 of 2011, 2989 of 2011 and 4864 of 2011 on the file of this Court to the petitioner Vide their representation dated 15.05.2015, 29.06.2015, 02.07.2015, 07.07.2015, 03.08.2015, 07.08.2015, and 10.09.2015.

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

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

COMMON ORDER

The petitioners in all these writ petitions, who are all retired police personnel, seek a direction to the respondents to provide notional promotion with salary and pension benefits as per the order passed in W.P.(MD)Nos.2888 of 2011, 2989 of 2011 and 4864 of 2011.

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, the petitioners cannot claim for retrospective up-gradation. Accordingly, all these writ petitions are dismissed. No costs.

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Sd/-
Asst.Registrar

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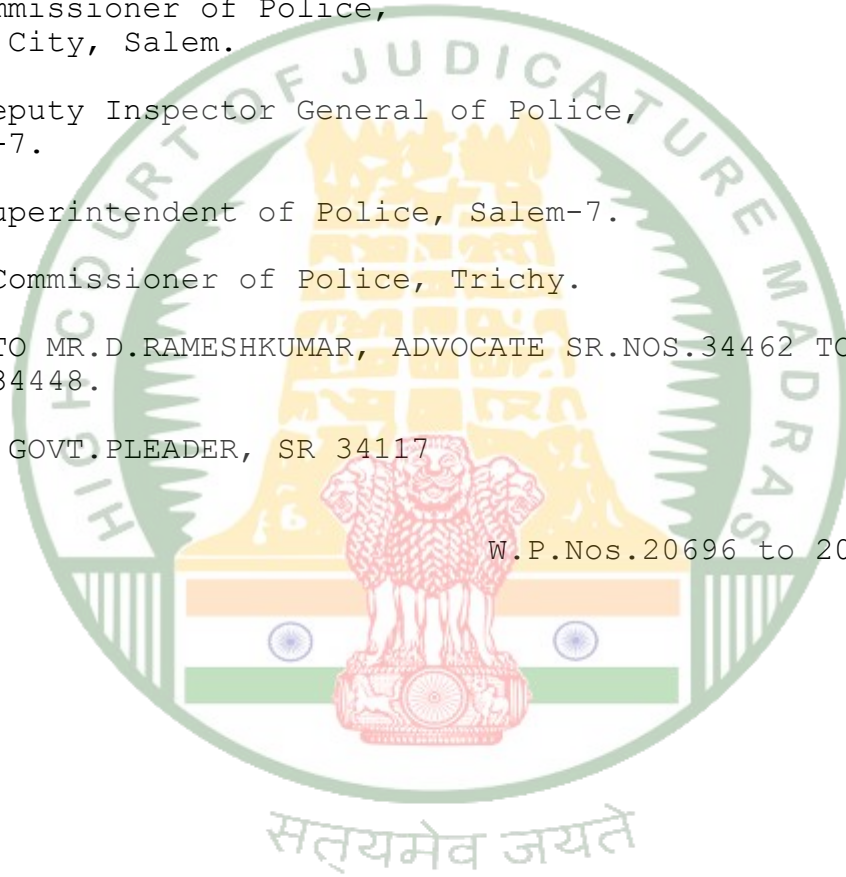
Sub Asst. Registrar

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,
Salem City, Salem.
 4. The Deputy Inspector General of Police,
Salem-7.
 5. The Superintendent of Police, Salem-7.
 6. The Commissioner of Police, Trichy.
- + 11 CCS TO MR.D.RAMESHKUMAR, ADVOCATE SR.NOS.34462 TO 34467
34444 TO 34448.
- + 1 CC TO GOVT.PLEADER, SR 34117

KR/1/8/16

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