

IN THE HIGH COURT OF JUDICATURE AT MADRAS

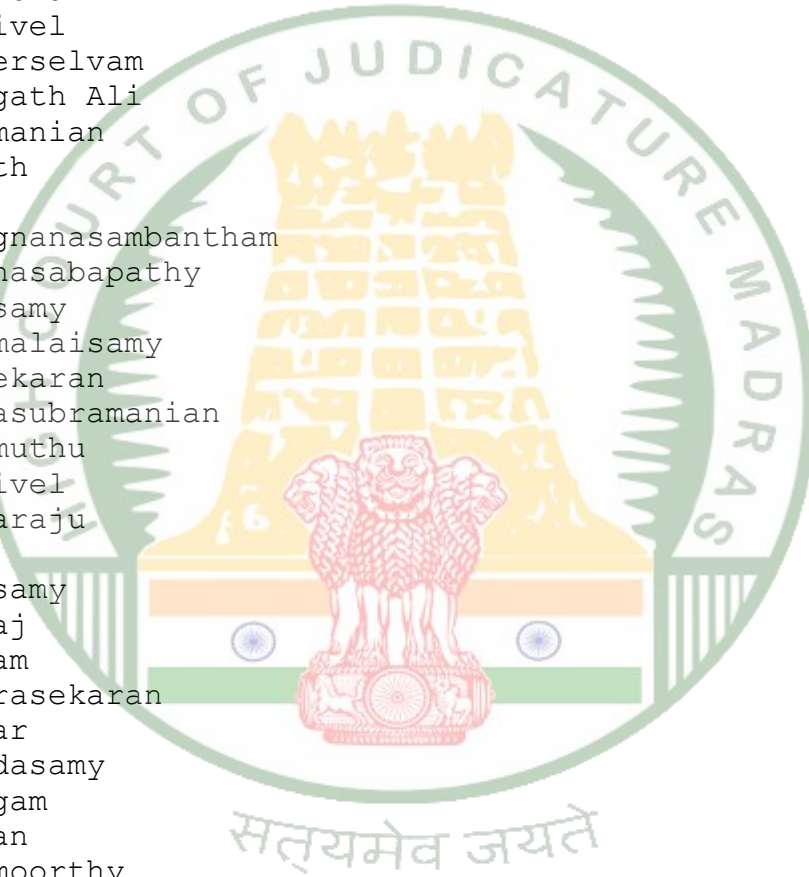
DATED : 24.02.2016

CORAM

THE HONOURABLE MR.JUSTICE T.RAJA

W.P.Nos.6696 of 2016

01. K.Nagarajan
02. S.Yesuthorai
03. A.Sakthivel
04. R.Panneerselvam
05. C.S.Lyagath Ali
06. A.Subramanian
07. K.Sampath
08. K.Raju
09. S.Thirugnanasambantham
10. R.Rathinasabapathy
11. A.Kandasamy
12. S.Thirumalaisamy
13. S.Gunasekaran
14. P.C.Balasubramanian
15. K.Sellamuthu
16. A.Sakthivel
17. K.Thangaraju
18. M.Rajan
19. M.Duraisamy
20. S.Nataraj
21. A.Shaalam
22. M.Chandrasekaran
23. K.Sugumar
24. K.P.Kandasamy
25. K.Arumugam
26. S.Ganesan
27. P.Thirumoorthy
28. C.Shanmugam
29. K.Sellamuthu
30. S.Palanisamy
31. K.K.Kaliappan
32. M.Packianathan
33. T.Muthupaiyan
34. K.Kali Gounden
35. V.Madhaiyan
36. A.Gopalan
37. M.Ponnusamy
38. N.Palanisami
39. P.Venkatachalam



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40. V.Natarajan
41. A.P.Palanisamy
42. V.Sukumar
43. R.Annamalai
44. K.Subramanian
45. P.Lakshmanan
46. K.M.Srinivasan
47. M.Abdul Samathu
48. V.P.Kumarasamy
49. A.Jaganathan
50. P.Pethu Reddy
51. P.Lingappan
52. A.Karuppannan
53. R.Thirumoorthy
54. K.Ramaswamy
55. S.Pushparaj
56. M.Arokiam
57. P.Mayakutty
58. K.Subramanian
59. S.Rajendran
60. S.Innasimuthu
61. A.Manickam
62. V.Venkatachalam
63. A.Raja
64. R.Danasamy
65. K.Annadurai
66. M.Palanisamy
67. S.Lingeswaran
68. S.Jayapaul
69. M.Thimma Naicker
70. S.Kaliratinam
71. G.Arumugam
72. M.Muthusamy
73. P.Ramalingam
74. V.Abdul Aziz
75. V.Palanisamy
76. V.Duraisamy
77. V.Marimuthu
78. J.Raju
79. A.Thangavel
80. G.Sundaram
81. G.Murugesan



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... Petitioners

-Vs-

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

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

3. The Deputy Inspector General of Police
Coimbatore Range
Coimbatore 641 018

... Respondents

Petition under Article 226 of the Constitution of India, praying for the issue of a Writ of Certiorarified Mandamus, calling for the records of the impugned order passed by the third respondent in Na.Ka.No.6892/A1/2015 dated 21.8.2015 and to quash the same and consequently directing the first respondent to consider and pass orders on the basis of the petitioners' representations for notional promotion and retirement benefits in the light of G.O.Ms.No.844 Home Department dated 3.6.1997 and G.O.Ms.No.15 Home Department dated 7.1.2010.

For Petitioners : Mr.M.Karunanithi
For Respondents : Mr.S.Gunasekaran
Government Advocate

ORDER

The issue raised in this writ petition has already been considered by this Court in the case of M.Pongianan v. State of Tamil Nadu represented by its Secretary to Government, Home Department, Chennai and others, (2014) 1 MLJ 777, wherein a similar request for upgradation to the post of Special Sub Inspector of Police on completion of 25 years of service from the date of entry into service, was turned down on the ground that any such upgradation, on the basis of G.O.Ms.No.15, Home (Police-V) Department dated 07.01.2010, G.O.Ms.No.937, Home (Police-III) Department dated 21.07.1998 and another G.O.Ms.No.844, Home (Police-V) Department dated 03.06.1997, cannot be made with retrospective effect, as neither the scheme nor the aforesaid Government Orders directed the counting of services from the date of entry to upgrade the police personnel to the post of Special Sub Inspector of Police. This Court also found that without there being any vacancy to the post of Special Sub Inspector of Police, no such order of upgradation or retrospective promotion can be given effect to. Since I am also in agreement with the aforesaid views of this Court, the writ petition filed by the petitioners, being bereft of any merit, fails. Therefore, finding no error in the impugned order, this

Court is not inclined to grant the relief sought for by the petitioners. Accordingly, the writ petition fails and it is dismissed. No costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government
Home Department
Government of Tamil Nadu
Fort St.George
Chennai 600 009
2. The Director General of Police
Kamarajar Salai
Mylapore
Chennai 600 004
3. The Deputy Inspector General of Police
Coimbatore Range
Coimbatore 641 018

+1cc to the Government Pleader, S.R.No.11780

W.P.No.6696 of 2016

SNS(CO)
CA(17/03/2016)

सत्यमेव जयते

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