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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 20.07.2016

CORAM :
THE HONOURABLE MR.JUSTICE NOOTY.RAMAMOHANA RAO
and
THE HONOURABLE MR.JUSTICE S.S.SUNDAR

Writ Appeal (MD) Nos.1117 to 1120 of 2016
and
C.M.P (MD) Nos.6880 to 6882 of 2016

G.Kanagarathinam	... W.A (MD) No.1117 of 2016
V.Srinivasan	... W.A (MD) No.1118 of 2016
M.Boopathy	... W.A (MD) No.1119 of 2016
K.Ramu	... W.A (MD) No.1120 of 2016

Vs.

1. The Government of Tamil Nadu
Rep by its Secretary to Home Department,
Fort St., George,
Chennai 600 009.
2. The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai 600 004. ... 1st & 2nd Respondents
in all Writ Appeals
3. The Superintendent of Police,
Ramanathapuram District. ... 3rd Respondent in
W.A (MD) Nos.1119 and 1120/2016
4. The Superintendent of Police,
Virudhunagar. ... 3rd Respondent in
W.A (MD) No.1117 of 2016
5. The Superintendent of Police,
O/o.The Superintendent of Police,
Thanjavur, Thanjavur District. ... 3rd Respondent in
W.A (MD) No.1118 of 2016

Appeals filed under Clause 15 of the Letters Patent against the order dated 22.04.2013 made in W.P (MD) No.1992, 1474, 5352 and 5351 of 2013 on the file of this Court.

Prayer in WP (MD). 1992/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorari and Mandamus, to call for the records pertaining to the impugned order passed by the 3rd Respondent in C.No.A1(2)/14686/2011 dated 19.04.2011 and quash the same and consequently



direct the Respondents NO. 2 & 3 to fix the basic pay of the petitioner herein on par with the basic pay fixed for the Sub Inspector of Police originally transferred from Tamil Nadu Special Police Establishment to Virudhunagar District by stepping up the basic pay of the petitioner herein .

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Prayer in WP(MD). 1474/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, in the nature of writ, to call for the records pertaining to the impugned order passed by the 3rd Respondent in Na.Ka.NO. 33248/G5/2012, , dated 25.09.2012 11 and quash the same and consequently direct the respondents No.2 & 3 to fix the seniority and give the notional promotion with monetary benefitis to the petitioner and pass such further or other orders.

Prayer in WP(MD). 5352/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.28367/A1/2012 dated 26.10.2012 and quash the same and consequently direct the Respondent No.2 & 3 to revise and regularize the service seniority and give notional promotion with monetary benefits to the Petitioner.

Prayer in WP(MD). 5351/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the 3rd respondent in Na.Ka.No.28367/A1/2012 dated 26.10.2012 and quash the same and consequently direct the Respondent No.2 & 3 to revise and regularize the service seniority and give notional promotion with monetary benefits to the Petitioner.

For Appellants : No appearance

For Respondents : Mr.K.Chellapandian,
Additional Advocate General
assisted by Mr.S.Chandrasekar,
Government Advocate.

COMMON JUDGMENT

(Judgment of the Court was delivered by NOOTY.RAMAMOHANA RAO,J)

<https://hcservices.ecourts.gov.in/hcservices/>

Today, when the matter is taken up, none appears on behalf of the appellants and there is also no representation made



on behalf of the learned counsel for the appellants. When the appellants names are called out, there is no representation either. Therefore, we have gone through the Paper Book and dispose of these writ appeals by way of this common judgment.

2.The issue raised herein centres around the right of the appellants, who have retired from service as Special Sub Inspectors of Police, to receive the benefit of upgradation as Grade I Police Constables/Head Constables/ Special Sub Inspectors of Police from an earlier point of time and also for the consequential monetary benefit.

3.It is not in doubt that prior to introduction of beneficial scheme intended for relieving stagnation over an unduly long period of time in one particular cadre, all public servants were required to earn their promotion to the next higher scale/post, only based upon the availability of the vacancies and their eligibility and suitability for earning such promotions. Since the State Government is not in a position to create larger number of posts and in particular the superior categories, persons or employees are getting stuck and stagnated in particular cadre for too long a period. Several other factors also contribute for the stagnation. For instance, the persons who are younger in age get, promoted to the higher cadres first, then persons who are older than them may not get promotion as vacancies may not arise in quick time. Keeping this and several other factors in mind and also to ensure that the efficiency of the Government servant does not get impaired for want of a periodical incentive by way of promotion, Human Resource Managers have contemplated measures for stagnation relieving. One such measure was to grant financial benefits upon completion of a particular length of time in a particular cadre. It would notionally mean as though the individual employee would be treated to have been promoted. In other words, even without moving away from the cadre in which one is found getting stagnated, he would continue to enjoy the financial benefit of next higher post. Therefore, any such scheme which the State Government introduces as a measure of policy can be given effect to in accordance with and in terms of the conditions and stipulations contained therein. The Court cannot in the process of interpreting the policy decision cannot read it as though it was available with retrospective effect.

4.In those set of circumstances, the learned single Judge has rightly arrived at the conclusion that the petitioners herein cannot seek the relief against the stagnation benefit for the past service which they have rendered prior to introduction of the scheme and the benefits which they have already availed are consequently in accordance with the scheme announced by the Government. Therefore, we do not find any merit in these appeals and accordingly, they are dismissed, after hearing the learned Additional Advocate General appearing for the State. No order as



to costs. As a sequel, C.M.P(MD)Nos.6880 to 6882 of 2016 are closed.

Sd/-
Assistant Registrar (W)

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/True Copy/

Sub Assistant Registrar (CS)

To

1. The Secretary to Home Department,
Fort St., George, Chennai 600 009.
2. The Director General of Police,
Kamarajar Salai, Mylapore, Chennai 600 004.
3. The Superintendent of Police,
Ramanathapuram District.
4. The Superintendent of Police,
Virudhunagar.
5. The Superintendent of Police,
O/o.The Superintendent of Police,
Thanjavur, Thanjavur District.

+1cc to the Special Government Pleader, Sr.No.38422

sms

JM/SK-SKN/28.07.2016/4P-7C

Writ Appeal (MD) Nos.1117 to 1120 of 2016
and
C.M.P(MD)Nos.6880 to 6882 of 2016
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