



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 11.08.2017

WEB COPY

CORAM:

THE HONOURABLE MR.JUSTICE K.K.SASIDHARAN
AND
THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.A.[MD].Nos.1280 to 1283 of 2015
and
M.P.[MD]Nos. 3,3,4,3,4,3 and 4 of 2015

1. The Government of Tamil Nadu,
Represented by its,
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,
Dindigul District,
Dindigul.

... Appellants/Respondents
in W.A.[MD].Nos.1280,1281 & 1283/2015

- 4.The Superintendent of Police,
Madurai District,
Madurai.

... Appellant/Respondent
in W.A.[MD].No.1282 of 2015

Vs.

A.Jeyaprakash SI(Rtd.)

... Respondent/Petitioner
in W.A.[MD].No.1280 of 2015

K.Sugumaran (SI)

... Respondent/Petitioner
in W.A.[MD].No.1281 of 2015

P.Munusamy SI(Rtd.)

... Respondent/Petitioner
in W.A.[MD].No.1282 of 2015

K.Balasubramanian SI(Rtd.)
<https://hcservices.ecourts.gov.in/hcservices/>

... Respondent/Petitioner
in W.A.[MD].No.1283 of 2015



PRAYER : Writ Appeal is filed under Clause 15 of the Letters Patent, by setting aside the common order dated 28.11.2013 made in W.P(MD). Nos.19364 to 19367 of 2013.

Prayer in WP(MD). 19364/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to revise and regularize the service seniority and give the notional promotion with monetary benefits equal to the post of Inspector of Police to the petitioner on the basis of the petitioner s representation dated 16.08.2013.

Prayer in WP(MD). 19365/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to revise and regularize the service seniority and give the notional promotion with monetary benefits to the petitioner s representation dated 16.08.2013.

Prayer in WP(MD). 19366/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to revise and regularize the service seniority and give the notional promotion with monetary benefits equal to the post of Deputy Superintendent of Police Rank to the petitioner on the basis of the petitioner s representation dated 21.08.2013.

Prayer in WP(MD). 19367/ 2013 :

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the 2nd and 3rd respondents to revise and regularize the service seniority and give the notional promotion with monetary benefits equal to the post of Deputy Superintendent of Police to the petitioner on the basis of the petitioner s representation dated 26.08.2013.

For Appellants : Mr.T.S.Mohamed Mohideen, AGP
in all Writ Appeals

For Respondent : Mr.D.Rajendran
in all Writ Appeals

JUDGMENT

[Judgment of the Court was delivered by G.R.SWAMINATHAN, J.]

These Writ Appeals are directed against the common order dated 28.11.2013 made in W.P. (MD) No.19364,19365,19366,19367 of 2013 etc. batch.



2.The writ petitions were filed by the respective respondents herein. The respective respondents herein sought revision and regularization of the service seniority and for grant of notional promotion and monetary benefits. All the writ petitioners originally joined in the department as Grade II police constables. They became Grade I police constables and then head constables and then on being upgraded they were further promoted as special sub inspectors of police. Thereafter they retired from services.

3.The said writ petitions were taken up along with the batch of other writ petitions and allowed by a common order. Aggrieved by the same, this intra court appeal has been filed by the Government.

4.Heard the learned Additional Government Pleader for the appellants and the learned counsel for the respondent.

5.It is seen that the learned Judge proceeded on the premise that the issue on hand was covered by an earlier decision of this Court rendered in W.A.(MD)No.10506 of 2011. The writ petitioners admittedly were promoted from one stage to another. After retiring from service, they cannot contend that the promotion was not given to them from one stage to another at the earliest point of time immediately once they became eligible and that the said injustice should be remedied now by granting notional promotion.

6.For instance, the respondent in W.A.(MD)No.1280 of 2015 Jeyaprakash, joined the department as Grade II police constable on 16.07.1977. He was made Grade I police constable only in the year 1994. But this cannot be remedied in the year 2013. If the respondent in W.A.(MD)No.1280 of 2015 was aggrieved by non promotion from Grade II police constable to Grade I police constable due in the year 1987, he should have questioned then itself. After getting promotion by three more stages thereafter, one cannot contend that he should have been given first promotion much earlier. Such notional reworking will cause only confusion in the administration. By applying the principle of laches, the writ petitioners ought to have been non suited. It is also contended by the appellants that the writ petitions were similarly allowed without even giving an opportunity to the department to file a counter affidavit. We are of the view that the writ petitioners took inspiration from the success of colleagues. Such cases ought not to have been entertained at all. The order allowing the writ petitions are set aside. The writ appeals stand allowed. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-

Assistant Registrar (Records)

/True Copy/



1. The Secretary to 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 Superintendent of Police,
Dindigul District,
Dindigul.

4. The Superintendent of Police,
Madurai District,
Madurai.

+ 1 CC TO Mr.A.RAJARAM, ADVOCATE IN SR No. 72668

+ 1 CC TO SPECIAL GOVERNMENT PLEADER IN SR No. 72895 TO 72898

GSP/SMI

TE/JC/SAR-II : 25/09/2017 : 4P/7C

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