



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 13.06.2017

CORAM:

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM  
and  
THE HONOURABLE MR.JUSTICE P.VELMURUGAN

W.A.(MD) No.1052 of 2013

K.Velmurugan ... Appellant/Petitioner

-vs-

1.Director General of Police,  
Chennai - 600 004.

2.The Commandant,  
TSP IX Battalion,  
Manimutharu - 627 421

3.The Commissioner of Police,  
Madurai City,  
Madurai - 625 001.

4.Superintendent of Police ,  
Railway Protection Force,  
Trichirappalli.

... Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order dated 12.07.2013 in W.P.(MD).No.3621 of 2012, on the file of this Court.

**Prayer in WP(MD) . 3621/ 2012 :**

Writ Petition is filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to implement the order of acceleratory promotion dated 29.10.2004 passed in Rc.No.220474/NGB. VII (2)/2004 on the file of the first respondent herein w.e.f. 30.10.2004 to the post of Havildar and further order of promotions as and when the promotion of the petitioner was due together with all the monetary benefits payable to the petitioner to the post of Havildar and the further promotions, within the time frame as may be fixed by this Honourable Court.

For Appellant : Mrs.Stella Rajkumar

For Respondents : Mr.V.R.Shanmuganathan  
Special Government Pleader

**J U D G M E N T****[Judgment of the Court by T.S.SIVAGNANAM, J.]**

Heard Mrs.Stella Rajkumar, learned counsel appearing for the appellatant and Mr.V.R.Shanmuganathan, learned Special Government Pleader appearing for the respondents and perused the materials placed on record.

2. This writ appeal by the writ petitioner is directed against the order, dated 12.07.2013, in W.P.(MD).No.3621 of 2012, which was filed seeking a direction upon the respondents to grant accelerated promotion.

3. The writ petition was dismissed by the impugned order, dated 12.07.2013, on the ground that the promotion of the appellatant as Nayak was purely temporary and this is put to challenge in this appeal.

4. It is contended by the learned counsel for the appellatant that the promotion of the appellatant as Nayak was a regular promotion. In order to clarify this issue, on 06.06.2017, we directed the learned Special Government Pleader appearing for the respondents to produce the copy of the promotion order to that of the post of Nayak. Accordingly, the learned Special Government Pleader produced a copy of the promotion order, dated 20.09.2004, passed by the Commandant, Tamil Nadu State Police, IX Battalion Office, Manimuthar, from which it is seen that the promotion granted to the appellatant as Nayak was only a temporary promotion. In such circumstances, there is no vested right for the appellatant to treat the same as a regular promotion. Thus, the order passed by the Writ Court is perfectly in order and the writ appeal is liable to be dismissed.

5. In the result, the writ appeal fails and it is dismissed. No costs.

Sd/-

Assistant Registrar(CS-III)

/True Copy/

Sub Assistant Registrar

To:

1.Director General of Police,  
Chennai - 600 004.

2.The Commandant,  
TSP IX Battalion,  
Manimutharu - 627 421.

3.The Commissioner of Police,  
Madurai City,  
Madurai - 625 001.



4.The Superintendent of Police,  
Railway Protection Force,  
Trichirappalli.

+1cc to Mr.SPECIAL GOVERNMENT PLEADER in SR. No.60177

+1cc to Mr.S.SUBBIAH Advocate in SR. No.60316

IA/KRK

JS/JC/SAR.1/23.06.2017/3P-7C

**W.A. (MD) No.1052 of 2013**  
**13.06.2017**