

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 07.02.2018

CORAM

THE HON'BLE MR.JUSTICE HULUVADI G.RAMESH
AND
THE HON'BLE MR.JUSTICE RMT.TEEKAA RAMAN

W.A.Nos.82 and 83 of 2018
and
C.M.P.Nos.790, 791 of 2018

W.A.No.82 of 2018:

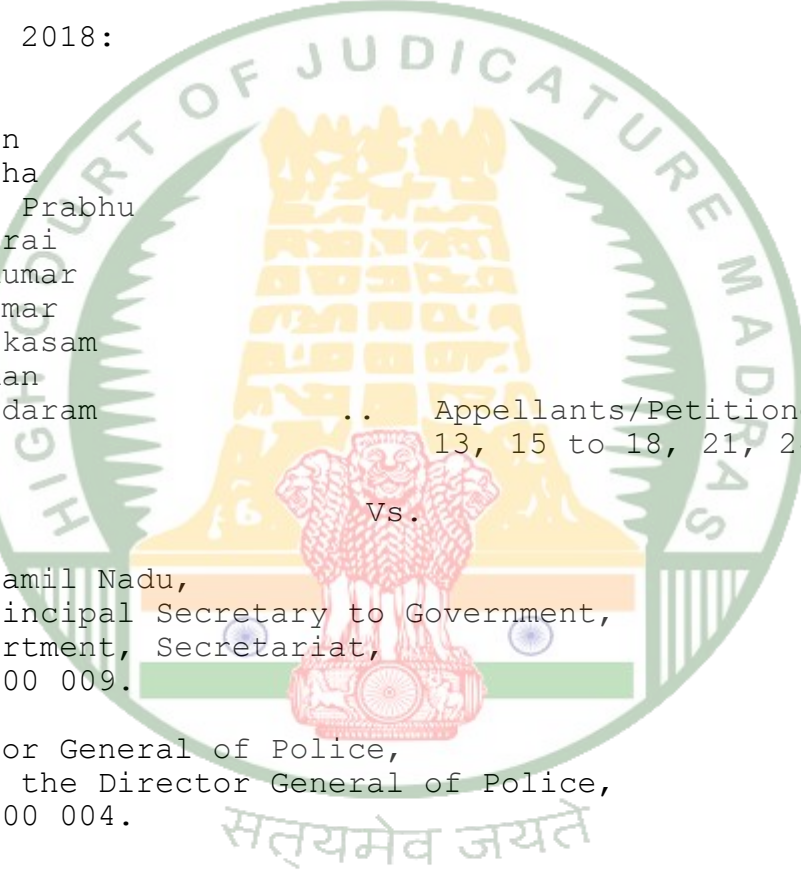
- 1.P.Jawahar
- 2.K.Murugesan
- 3.A.Peer Basha
- 4.S.Saravana Prabhu
- 5.P.Pandithurai
- 6.G.Ramesh Kumar
- 7.V.V.Sivakumar
- 8.S.Gnanaprakasam
- 9.K.Manikandan
- 10.S.Balasundaram

... Appellants/Petitioners 2,9
13, 15 to 18, 21, 24 & 25

Vs.

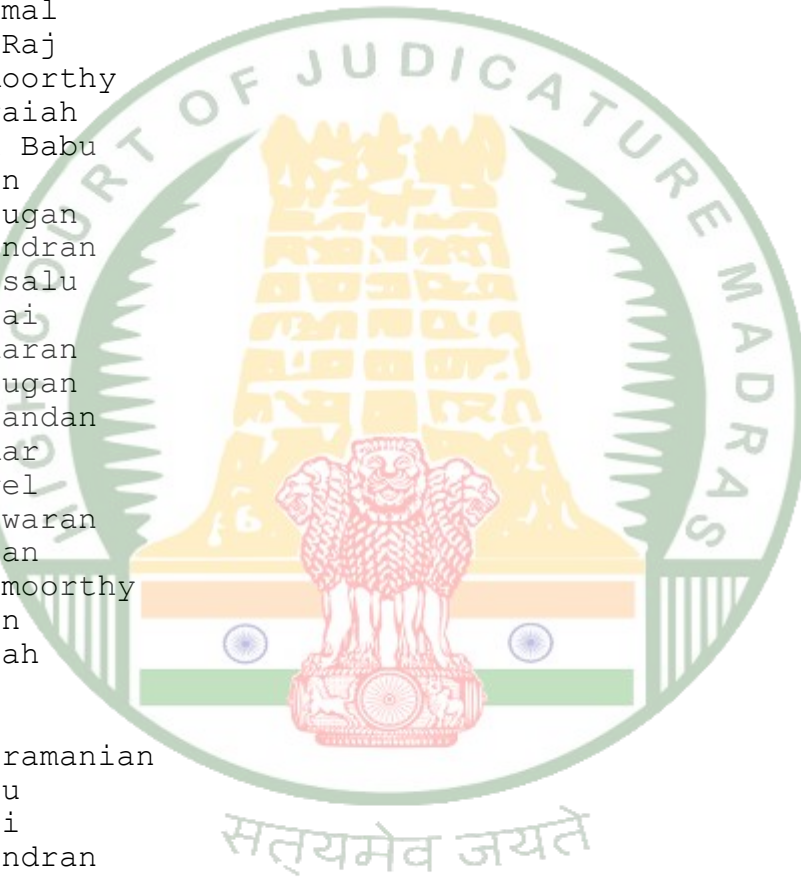
- 1.State of Tamil Nadu,
rep.by Principal Secretary to Government,
Home Department, Secretariat,
Chennai-600 009.
- 2.The Director General of Police,
Office of the Director General of Police,
Chennai-600 004.

- 3.P.Stephen
- 4.V.Seetharaman
- 5.E.Mcclarine Eskhol
- 6.G.Augustine Paul Sudhakar
- 7.K.Sundararaj
- 8.A.Yakkoob
- 9.S.Unnikrishnan
- 10.S.Ramakrishnan
- 11.S.Namasivayam
- 12.R.Kumaresan
- 13.G.A.Kannan
- 14.V.Visweswarayya



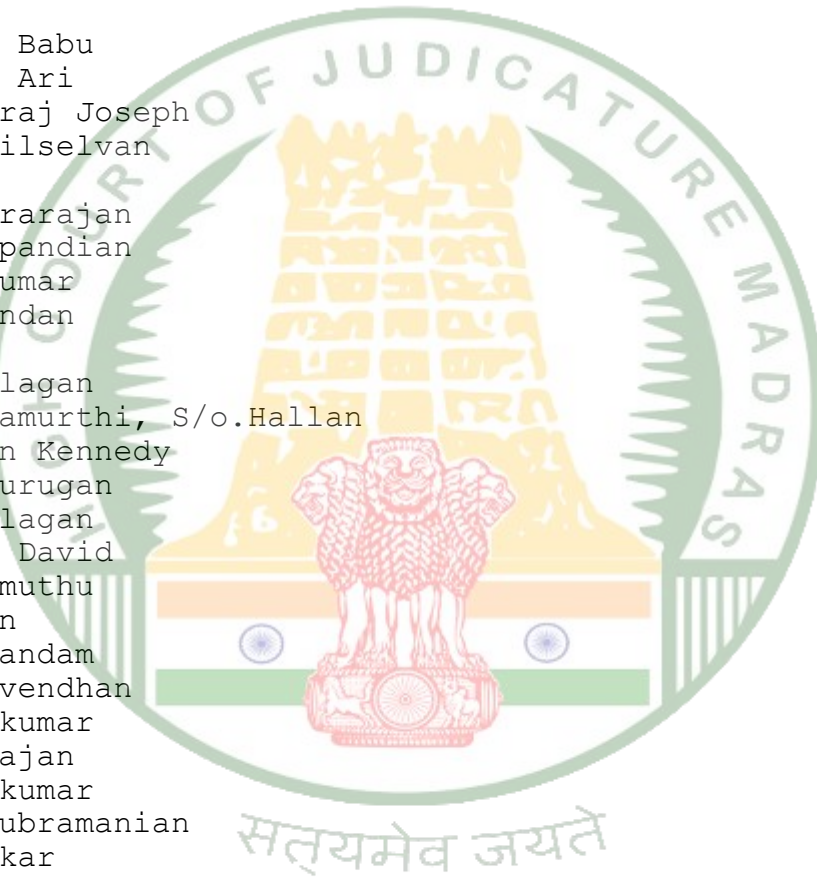
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- 15.K.Saravanan
- 16.P.Jayakumar
- 17.G.Chandiradhasan
- 18.M.Somasundaram
- 19.A.Philip Franklin Kennedy
- 20.R.Venugopal
- 21.T.Gopal
- 22.S.Baskaran
- 23.T.Mathialagan
- 24.V.Anil Kumar
- 25.R.Soundara Rajan
- 26.R.Chandra Sekharan
- 27.V.V.Thirumal
- 28.S.Justin Raj
- 29.N.Suriyamoorthy
- 30.S.Shanmugaiah
- 31.M.Prakash Babu
- 32.S.Panbalan
- 33.G.Balamurugan
- 34.K.Ramachandran
- 35.R.Srinivasalu
- 36.M.Annadurai
- 37.S.Prabhakaran
- 38.K.Balamurugan
- 39.M.Vivekanandan
- 40.S.Balakumar
- 41.S.Murugavel
- 42.N.Kottieswaran
- 43.R.Ravindran
- 44.S.Sathiyamoorthy
- 45.R.Alagesan
- 46.P.Karuppiah
- 47.B.Sridhar
- 48.K.Yuvaraj
- 49.N.Balasubramanian
- 50.R.Raj Babu
- 51.C.Velumani
- 52.N.Ravichandran
- 53.A.Rajendran
- 54.G.Hector Dharmaraj
- 55.R.Sankar
- 56.G.Palaniselvam
- 57.G.Velmurugan
- 58.T.Prabhakaran
- 59.C.Natesan
- 60.N.K.Selvaraj
- 61.S.Muthuvelpandi
- 62.P.Chandrasekaran
- 63.D.Kumar
- 64.I.Subbiah
- 65.N.Sugumar



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66.M.Vetry Chezhan
67.R.Arnold Easter
68.M.Kumaraguruparan
69.K.Radhakrishnan
70.G.Krishnamoorthy
71.G.Harikumar
72.A.J.Ravikumaran
73.R.Ponnarasu
74.N.Arumugam
75.P.Kalaiselvan
76.P.K.Prakash
77.P.Gopalachandran
78.K.Sankar
79.S.Ramesh Babu
80.A.Antony Ari
81.K.Kanagaraj Joseph
82.R.Muthamilselvan
83.D.Suresh
84.S.Soundararajan
85.M.Sivanupandian
86.M.Muthukumar
87.A.Manikandan
88.K.Asokan
89.G.Mathialagan
90.H.Krishnamurthi, S/o.Hallan
91.S.J.Johan Kennedy
92.A.V.Elamurugan
93.R.Mathialagan
94.B.Mathew David
95.M.Chellamuthu
96.P.Kumaran
97.M.Jeevanandam
98.G.Pugazhvendhan
99.G.Pravinkumar
100.A.Sivarajan
101.A.T.Jaikumar
102.M.Balasubramanian
103.K.Suthakar
104.A.Arularasu Justin
105.M.Venkatesan
106.K.Ramamoorthi
107.M.Gunasekaran
108.M.Loganathan
109.M.Arivazhagan
110.A.T.Ramachandran
111.C.V.Vijayakumar
112.Sridharan
113.V.E.Senthil
114.N.Karunakaran
115.S.Murugan
116.R.Ramesh



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117.V.S.G.Suresh
118.M.T.Irudhayaraj
119.K.Annadurai
120.K.Nivazhgan
121.M.Vijayakumar
122.R.Chinnaraj
123.G.Annadurai
124.K.Sridharan
125.K.Thangavel
126.M.N.Viswanath Jayan
127.T.Saravanan
128.S.Seenivasan
129.S.Krishnan
130.D.Kandasamy ... (Respondents 1 to 130/Respondents
131.S.Charles Sam Rajadurai 1 to 130
132.R.Vencent
133.M.Justin Prabakaran
134.K.R.Jaisingh
135.S.Sampath Kumar
136.Pon Durai Pandian
137.K.Sasikumar
138.C.Umapathy
139.S.Saravana Devendran
140.R.Senthil
141.D.Selvakan David
142.R.Nithikumar
143.R.Ramesh Kannan
144.A.Murugan
145.P.Anand ... Respondents 131 to145/
Petitioners 1,3 to 8 10 to 12
14, 19, 20,22 & 23

(Respondents 131 to 145 are given up in
the above Writ Appeal since they are petitioners
in WP and no relief sought for against them)

W.A.No.83 of 2018:

1.P.Jawahar/
2.S.Saravana Prabhu
3.P.Pandithurai
4.G.Ramesh Kumar
5.S.Balasundaram
6.V.V.Sivakumar
7.S.Gnanaprakasam
8.A.Peer Basha
9.K.Murugesan
10.K.Manikandan

.. Appellants/Petitioners

Vs.

1.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home Department, Secretariat,
Fort St.George, Chennai-9.

2.The Director General of Police,
No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai-600 004.

3.P.Kodilingam ...1 to 3 Respondents/
1 to 3 Respondents

4.E.Kanagaraj

5.M.Royappan Yesunesan

6.S.Senthil

7.D.Gowthaman

8.V.Tamilvanan
(Respondents 4 to 8 impleaded as per order
passed by this Court dated 07.02.2018 in
C.M.P.No.2489 of 2018 in W.A.No.83/2018)...4 to 8 Respondents/
Proposed Respondents 4 to 8

Appeals filed under Clause 15 of the Letters Patent, against
the orders passed by this Court dated 21.12.2017 in
W.P.Nos.14207 of 2016 and 29487 of 2017, respectively.

WP.No.14207 of 2016:Calling for the records pertaining to the
impugned proceedings in Home (Police-2) Department Police Note
No.1 dt.13.01.2016 issued by the 1st respondent and
consequential proceedings in R.C.No.00878/ NGB.I(1)/2016 dated
01.02.2016 issued by the 2nd respondent and quash the same in
respect of the respondents 3 to 89 who are in Serial Number 22
to 108 in impugned Proceedings in Home (Police-2) Department
Police Note No.1 dt.13.01.2016 issued by the 1st respondent and
direct the respondents 1 and 2 to promote the petitioners
temporarily from Inspectors to Deputy Superintendent of Police
as recommended by the 2nd respondent in R.C.No.109372/ NGB.I(1)/
05 dated 23.02.2006

WP.No.29487/2017:calling for the records pertaining to impunged proceedings issued in Police Note No.15 Home (Police -2) Department dated 03.11.2017 passed by the 1st respondent and quash the same and consequently promote the petitioners to the post of Deputy Superintendent of Police

W.A.No.82 of 2018:

For Appellants : Mr.K.Doraisamy, Sr.Counsel for
Mrs.Muthumani Doraisamy

For Respondents : Mr.S.T.S.Murthi, Addl.Advocate General
assisted by
Mr.P.S.Sivashanmugasundaram, Spl.GP
for R1 and R2

Mr.P.Wilson, Sr.Counsel for
Mr.G.Sankaran for R3 to R145

W.A.No.83 of 2018:

For Appellants : Mr.S.Prabakaran, Sr.Counsel and
Mr.D.Selvam for
Mrs.Muthumani Doraisamy

For Respondents : Mr.S.T.S.Murthi, Addl.Advocate General
assisted by
Mr.P.S.Sivashanmugasundaram, Spl.GP
for R1 and R2

Mr.P.Wilson, Sr.Counsel for
Mr.G.Sankaran for R3

Mr.M.Ravi for R4 to R8

COMMON JUDGMENT

(Delivered by HULUVADI G.RAMESH, J.)

Heard the learned counsel appearing for both sides for some time.

2.In respect of the issue as to whether the incumbents who were part of Special Task Force involved in killing of the notorious forest brigand Veerappan and his gang, and were given 'one stage accelerated promotion' by executive orders, can claim consequential seniority in the accelerated promotional post over their senior lower category and also with regard to the validity of G.O.Ms.No.1396 Home Department dated 03.10.2007, a Division Bench of this Court, earlier, passed a common judgment in

W.A.Nos.849 to 854 of 2010, etc.batch, dated 05.04.2013, in which it has been observed as under:-

"139. Conclusion:-

W.A.Nos.849 to 854 and 2066 of 2010:

Accelerated promotion was without reference to the statutory rules or G.O.Ms.No.468, Home, dated 19.3.1996. The appellants and other police personnel were not promoted to the substantive posts but were accommodated by creation of supernumerary posts. Since there was ambiguity over panel position of the accelerated promotees vis-a-vis regular promotees, considering the representation given by the police officers, Government rightly issued G.O.Ms.No.1396 Home dated 3.10.2007 deleting paragraph No.5(e) in G.O.Ms.No.1252, Home, dated 29.10.2004 and G.O.Ms.No.1346, Home, dated 6.12.2004. Government was well within its powers in deleting Paragraph No.5(e) in G.O.Ms.No.1252, Home, dated 29.10.2004 and G.O.Ms.No.1346, Home, dated 6.12.2004 and clarifying the position by substituting a new one in G.O.Ms.No.1396, Home, dated 3.10.2007 restoring the original seniority. The learned single Judge rightly dismissed the Writ Petitions and we do not find any infirmity in the order of the learned single Judge warranting interference and all the Writ Appeals are dismissed. The order of status quo granted on 2.8.2012 is vacated.

Consequently, the Writ Petitions in W.P.Nos.25736 to 25741 of 2010 are dismissed.

140. W.P.Nos.17731, 20728 of 2012 and W.P.(MD) No.8911 of 2012: The impugned G.O.Ms.No.332 Home (Pol.1A) Department dated 03.5.2012 had directly dealt with the subject matter pending before the Division Bench sitting over the judgment of the learned single Judge. The grant of stay in Writ Appeals will not confer any right on the Government to pass the impugned G.O. Ms.No.332 Home (Pol.1A) Department dated 03.5.2012 independently and the impugned G.O.Ms.No.332 Home (Pol.1A) Department dated 03.5.2012 is quashed and all these Writ Petitions are allowed. No costs.

Consequently, connected Miscellaneous Petitions in all the Writ Appeals and in all the Writ Petitions shall stand dismissed."

3.The persons who had worked in the task force had been given one time accelerated promotion, irrespective of the cadre. But the earlier Division Bench judgment of this Court, as extracted supra, is to the effect that the original seniority

should not be disturbed. In this connection, in the order passed by the learned single Judge which is under challenge in these appeals, a direction was given to the official respondents to proceed ahead to fill up all the vacancies by way of preparing a final seniority list as per the existing Rules, without reference to the accelerated promotion, with a further observation that the same is subject to the result of the pending writ petitions. According to the learned senior counsels appearing for the appellants in these writ appeals, it is in total negation of the service jurisprudence. However, it is also submitted that some of the persons have been given promotion out of turn, on the basis of the earlier Government Order, wherein they have been given one time accelerated promotion. Further, it is submitted that regular promotions were also given in addition to the accelerated promotion.

4. Since already a view has been taken by the earlier Division Bench of this Court in the judgment made in W.A.Nos.849 to 854 of 2010, etc.batch, dated 05.04.2013, in order to arrive at a conclusion in the matter, either the parties have to challenge the said order passed by the earlier Division Bench before the Hon'ble Apex Court by filing petitions for condoning the delay or they have to approach the Government by way of making representations, seeking to clarify the issue.

5. Thus, these writ appeals are disposed of with a direction to the appellants and the contesting private respondents to approach the Government by making representations and it is for the Government to consider their cases individually in accordance with law and as per the ratio laid down by the Division Bench of this Court in the judgment made in W.A.Nos.849 to 854 of 2010, etc.batch, dated 05.04.2013, as early as possible. Consequently the connected miscellaneous petitions are closed. No costs.

Sd/-
सत्यमेव जयते
Assistant Registrar(CS IX)

//True Copy//

Sub Assistant Registrar

KM

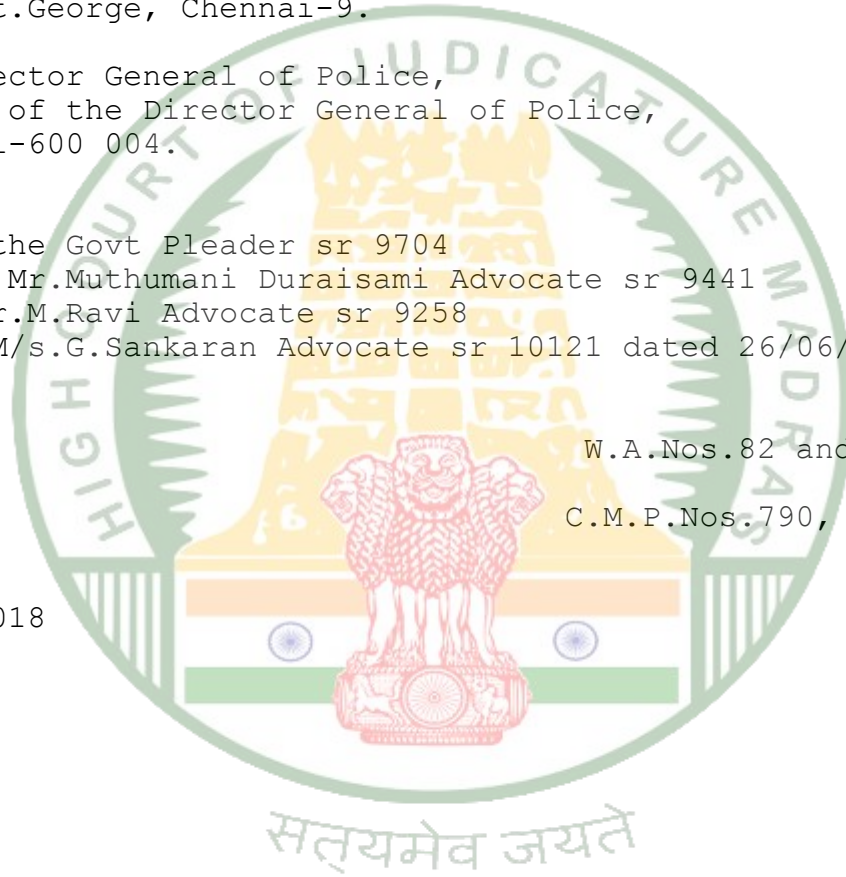
To

- 1.The Principal Secretary to Government,
Government of Tamil Nadu,
Home Department, Secretariat,
Chennai-600 009.
- 2.The Additional Chief Secretary to Government,
Government of Tamil Nadu,
Home Department, Secretariat,
Fort St.George, Chennai-9.
- 3.The Director General of Police,
Office of the Director General of Police,
Chennai-600 004.

+1 cc to the Govt Pleader sr 9704
+2 ccs to Mr.Muthumani Duraisami Advocate sr 9441
+1cc to Mr.M.Ravi Advocate sr 9258
+1 cc to M/s.G.Sankaran Advocate sr 10121 dated 26/06/2018

W.A.Nos.82 and 83 of 2018
and
C.M.P.Nos.790, 791 of 2018

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aa07/03/2018



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