



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 29.11.2018

CORAM:

THE HONOURABLE DR. JUSTICE G. JAYACHANDRAN

W.P (MD) No. 9115 of 2018

&

W.M.P. (MD) Nos. 8495 & 8496 of 2018

and

W.P (MD) No. 9116 of 2018

&

W.M.P. (MD) Nos. 8497 & 8498 of 2018

P.Lingaiah

... Petitioner in

W.P. (MD) No. 9115/2018

1.V.S.Rishikesan

2.T.Jayakumar

3.S.Venkatesh

4.V.Akilanda Eswari

... Petitioners in

W.P. (MD) No. 9116/2018

Vs.

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

2. The Director General of Police,  
Chennai - 600 004.

... Respondents

in both the W.Ps.

**Common Prayer** Writ Petitions filed under Article 226 of the Constitution of India seeking for issuance of Writs of Certiorarified Mandamus, calling for the records relating to the impugned order of the second respondent in Rc.No.163720/NGBV(2)/2018, dated 27.03.2018, quash the same and consequently, direct the respondents herein to promote the petitioners as Sub-Inspector of Police (Armed Reserve) considering the date of their promotions as Head Constable, which is the Feeder Category to the promotional post of Sub-Inspector of Police (Armed Reserve) with effect from 19.7.2017 and on par with juniors respectively.

For Petitioners  
(in both the W.Ps.)

: Mr.Veerakathiravan  
Senior Counsel  
for M/s.Veera Associates

For Respondents  
(in both the W.Ps.)

: Mr.K.Chellapandian  
Additional Advocate General  
Assisted by  
Mr.A.Muthukaruppan  
Additional Government Pleader

**COMMON ORDER**

These Writ Petitions have been filed seeking for issuance of Writs of Certiorarified Mandamus, to quash the impugned order of the second respondent in Rc.No.163720/NGBV(2)/2018, dated 27.03.2018, and consequently, direct the respondents herein to promote the petitioners as Sub-Inspector of Police (Armed Reserve) considering the date of their promotions as Head Constable, which is the Feeder Category to the promotional post of Sub-Inspector of Police (Armed Reserve) with effect from 19.7.2017 and on par with juniors, respectively.

2.The case of the petitioners herein is that by virtue of the impugned order dated 27.03.2018, the introduction of Upgradation Scheme, challenging the Notification in Rc.No.163720/NGB V(2)/2018, dated 27.03.2018, was issued by the Director General of Police, Chennai, introducing Upgradation Scheme with common date of promotion based on their pre-existing seniority as Grade II P.C. for the post of Head Constable and from Head Constable to Special Sub-Inspector of Police. The grievance of the petitioners is that by introduction of common seniority based on the pre-existing seniority from the date of entry into the service, the persons, who have suffered punishment and held promotion in the normal course will be treated on par with the persons, who have been promoted and in service without any unblemished records. Therefore, the impugned order suffered with infirmity and irregularity and giving advantage to the persons, who had tainted track record in service. Whereas, in the counter filed by the second respondent herein, it is made very clear that while considering the Head Constable to Sub-Inspector of Police for promotion, it is not the seniority alone, but their service records will also be taken into account and the same has been well settled by virtue of G.O.Ms.No.1055, Home (Pol.III) Department, dated 01.11.2006 and therefore, the apprehension expressed by the petitioners is unfounded.

3.Heard the learned Senior Counsel appearing for the petitioners and the learned Additional Advocate General appearing for the respondents.

4.Perusal of the writ affidavit and the counter indicates that the wordings in the memorandum dated 27.03.2018 issued by the Director General of Police, has not been properly understood by the petitioners herein and it has been explained through the counter that no persons with blemished service records will be promoted, merely because of their seniority reckoning from the date of entry into service.

5.This point has been made clear by the second respondent in Paragraph 7 of the counter, which reads as follows:-

'7(i). With regard to the averments made in Para 2 of the Affidavit, it is humbly submitted that in order to enhance the promotional opportunities of Police Personnel, 'Upgradation Scheme' was introduced by the Government in the



year 1993 according to which Gr.II PCs., who have completed 10 years of service, will be promoted as Gr.I PCs and further on completion of 5 years as Gr.I PC, they will be promoted as HC. In view of introduction of Upgradation Scheme right from the year 1993 with a common date of promotion, promotion to the post of Head Constable had not been effected in certain Ranges based on the norms prescribed in Tamil Nadu Police Subordinate Service Rules (TNPSS).

(ii) It is further submitted that prior to the year 2006, the HCs (AR) were considered for promotion to the post of SIs (AR) through the prescribed test. Later, the Govt. had scrapped the scheme of conducting test for promotion to the post of SI (AR) vide G.O.Ms.No.1055, Home (Pol.III) Dept., dated 01.11.2006 and directed that the HCs (AR) be granted promotion as SIs (AR) based on seniority and service records.

(iii) In view of the position stated above, all Range DIGs / COPs have been directed vide Chief Office Memo, issued in Rc.No.163720/NGB V(2)/2018, dated 27.03.2018 to draw the promotion panel for the post of SI (AR) based on the inter-se-seniority of HCs arranged as per their pre-existing seniority as Gr.II PCs (i.e.) not to be arranged as per their date of promotion as HC. This procedure is to be followed only in respect of those promoted by way of Upgradation Scheme and not to be followed in the case of those promoted against regular vacancies. In the instant case, it is observed that the Writ Petitioner did not reach the zone of consideration for promotion as SI of Police in the year 2017 according to his due seniority in the rank of HC against the two vacancies existing during the relevant period.'

6.In view of the said submission made by the second respondent, this Court finds no reason to entertain the apprehension of the petitioners herein that they will be placed below the persons, who have blemished service records just because the date of entry is same or prior to the date of entry into service of the petitioners herein. It is also across the bar, the learned Additional Advocate General has stated that the petitioners herein will be given priority due to their seniority and only thereafter, others under Upgradation Scheme will be considered below the petitioners herein. The petitioners will be considered for promotion under the existing vacancy and only after filling that post, others will be considered in the Upgradation Scheme.

7.Recording the same, the Writ Petitions are disposed of. No costs. Consequently, connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar (ADMIN-I)



To

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

2. The Director General of Police,  
Chennai - 600 004.

+1cc to Mr.H.Velavadas,dvocate Sr.No.97740

+2cc to M/s.Veera Associates Advocate Sr.No.98199&98200

SMN2

KM/SKN/SAR2/10.12.2018/4P/6C

**Common order in  
W.P(MD)Nos.9115 & 9116 of 2018  
29.11.2018**