



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : **12.02.2018**

CORAM :

THE HONOURABLE MR.JUSTICE **T.S.SIVAGNANAM**

AND

THE HONOURABLE MRS.JUSTICE **R.THARANI**

W.A. (MD) No.637 of 2011

Santhamohan

... Appellant

Vs.

1. The Secretary to Government,
Home Department,
Fort St.George,
Chennai - 9.
2. The Director General of Police,
Tamil Nadu Chief Office,
Chennai.
3. The Director of Police Telecommunication,
Chennai.
4. The Deputy Inspector General of Police,
(Technical Service)
Police Telecommunication,
Chennai - 4.

... Respondents

Prayer:- Writ Appeal filed under Clause 15 of Letters Patent Act, against the order passed by this Court in W.P.(MD)No.5061 of 2005, dated 08.02.2008.

Prayer in WP(MD). 5061/ 2005 :

Writ Petition under Article 226 of the Constitution of India, praying to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the 4th respondent by his Proceeding A1/12062/2004 dated 25.04.2005 and quash the same and consequently direct the respondents to give promotion as Inspector of Police on par with the Juniors of the petitioner working in the local-police with all attendant, service and monetary benefits.

For Petitioner : Mr.M.O.Thevan Kumar

For Respondents : Mr.D.Muruganandam

Additional Government Pleader

JUDGMENT

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

[Judgment of the Court was delivered by **T.S.SIVAGNANAM, J.**]

Heard Mr.M.O.Thevan Kumar, learned counsel for the appellant



and Mr.D.Muruganantham, learned Additional Government Pleader for the respondents.

2. This appeal is directed against the order passed in W.P. (MD) No.5061 of 2005, dated 08.02.2008. The appellant had filed the said writ petition challenging the order passed by the fourth respondent, dated 25.04.2005 and to direct the respondents to give promotion as Inspector of Police on par with the Juniors of the appellant working in the local police. The writ Court rejected the prayer sought for holding that the appellant did not participate in the promotion test conducted by the Department and therefore, he cannot claim any right.

3. The learned counsel for the appellant submitted that though the appellant was recruited as a Police Constable and posted under the control of the second respondent and subsequently, by internal arrangement, he was deputed to the third respondent Department viz., the Director of Telecommunication, Chennai. Therefore, it is submitted that as and when the persons appointed along with the appellant are promoted in the Police Department, the appellant is entitled for promotion. The legal principle is that, if an employee status is not severed and still continuous in the parent Department, then the contention as put forth by the appellant would be justified. However, in the counter affidavit, we find that the Police Telecommunication Branch is governed by the separate *ad hoc* Rules in G.O.(Ms).No.329-A, Home Department, dated 25.01.1950 and functioning as a separate entity vide G.O.Ms.No.1448, Home Department, dated 13.06.1974. Further, it is stated that the promotion boards are conducted at Police Telecommunication Branch as per the *ad hoc* rules and therefore, the appellant cannot claim promotion in his parent unit. Further, counter affidavit states that the appellant's prayer is an after thought, since he did not seek for such a prayer during his service in the Police Telecommunication Branch. Further, in respect of the appellant's juniors Thiru Vaiyapurai and Thiru S.Veperumal, who were in the local police, attended the promotion test and were promoted as Sub-Inspector of Police and subsequently, as Inspector of Police. Thus, the view taken by the writ Court is perfectly in order and no inference is called for. Accordingly, the writ appeal fails and stands dismissed. No costs.

Sd/-

Assistant Registrar(crl side)

/True Copy/

Sub Assistant Registrar

To

1. The Secretary to Government,

<https://hcservices.ecourts.gov.in/hcservices/>
Home Department, Fort St.George,
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2. The Director General of Police,
Tamil Nadu Chief Office,
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Chennai.

4. The Deputy Inspector General of Police,
(Technical Service)
Police Telecommunication,
Chennai - 4.

+1cc to Mr.M.O.Thevan Kumar, Advocate Sr.No.47941

+1cc to Spl.Government Pleader Sr.No.48218

MM/AKV

VB/SV/MMS/SAR4/12/03/2018/3P/7C

W.A. (MD) No. 637 of 2011
12.02.2018