



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED:21.03.2019
CORAM

THE HONOURABLE MR. JUSTICE R. MAHADEVAN
W.P(MD)Nos.16576 to 16580 of 2017

W.P. (MD) Nos.16576 to 16578 of 2017

M.Karuppaiah ... Petitioner W.P.(MD)No.16576 of 2017

S.Muthukrishnan ... Petitioner W.P.(MD)No.16577 of 2017

R.Sampath ... Petitioner W.P.(MD)No.16578 of 2017

vs.

1.The State of Tamil Nadu,
represented by its Secretary to
Government,
Home Department,
Fort St.George,
Chennai-600 009.

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

3.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.

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

5.The Accountant General (Accounts & Entitlement),
Pension Section-15,
361, Anna Salai,
Chennai-600 018. ... Respondents in all these petitions

W.P. (MD) No.16579 of 2017

M.A.Sappani ... Petitioner

vs.

1.The State of Tamil Nadu,
represented by its Secretary to



Government,
Home Department,
Fort St.George,
Chennai-600 009.

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

3.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

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

5.The Accountant General (Accounts & Entitlement),
Pension Section-15,
361, Anna Salai,
Chennai-600 018. ... Respondents

W.P. (MD) No.16580 of 2017

R.Subburaj ... Petitioner
vs.

1.The State of Tamil Nadu,
represented by its Secretary to
Government,
Home Department,
Fort St.George,
Chennai-600 009.

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

3.The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.

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

5.The Accountant General (Accounts & Entitlement),
Pension Section-15,
361, Anna Salai,
Chennai-600 018. ... Respondents



COMMON PRAYER:Writ Petitions filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents to revise the pension and other retirement benefits of the petitioners by advancing the upgradation as Grade I Police Constable/ Head Constable on completion of 10/5 years and upgrade as Special Sub Inspector of Police on completion of 25 years of service and also upgrade to the higher posts notionally in the light of Government orders and order made in WP.Nos. 11544 to 11550 of 2012 dated 28.06.2012 on the file of the Principal Seat at Madras and W.P.(MD)Nos.2167 to 2074 of 2014, dated 10.02.2014 on the file of this Court, which were extended to the petitioners' juniors within the time stipulated by this Court.

For Petitioners

in all these petitions : Mr.M.Siddharthan for
Mr.K.S.Selvaganesan

For Respondents

in all these petitions : Mrs.J.Padmavathy Devi
Special Government Pleader
for R.1 to R.4
: Mr.P.Gunasekaran
for R.5

COMMON ORDER

All the Writ Petitions are filed seeking a direction to the respondents to revise the pension and other retirement benefits of the petitioners by advancing the upgradation as Grade I Police Constable/ Head Constable on completion of 10/5 years and upgrade as Special Sub Inspector of Police on completion of 25 years of service and also upgrade to the higher posts notionally in the light of Government orders and order made in WP.Nos. 11544 to 11550 of 2012 dated 28.06.2012 on the file of the Principal Seat at Madras and W.P.(MD)Nos.2167 to 2074 of 2014, dated 10.02.2014 on the file of this Court, which were extended to the petitioners' juniors within the time stipulated by this Court.

2. Heard the learned Counsel appearing for the petitioners, the learned Special Government Pleader appearing for the respondents 1 to 4 and the learned Counsel appearing for the fifth respondent and perused the materials available on record.

3. According to the petitioners, they were appointed as Grade-II Police Constable and after various promotions, they retired from their services on attaining the age of superannuation. It is their further submission that the first respondent issued G.O.Ms.No.844, Home Department, dated 03.06.1997, in which the Government commenced the upgradation scheme in a time bound manner. Thereafter, the first respondent issued further order in G.O.Ms.No.1247, Home (Police V) Department, dated 28.10.2004,



implementing the above promotions. Now, the grievance of the petitioners is that they were given promotion very belatedly. Hence, they submitted representations dated 10.07.2017, 10.07.2017, 11.07.2017, 12.07.2017 and 24.07.2017 respectively. Since the same have not been considered so far, the present Writ Petitions have been filed.

4. The learned Counsel appearing for the petitioners would submit that a similar issue has already been decided by this Court in WP.Nos. 11544 to 11550 of 2012 dated 28.06.2012 on the file of the Principal Seat at Madras and W.P.(MD)Nos.2167 to 2074 of 2014, dated 10.02.2014 on the file of this Court, which have become final as no writ appeal has been filed. Hence, he seeks appropriate orders.

5. The fourth respondent has filed a counter affidavit, wherein in paragraph Nos.11 and 12, it is stated as follows:

"11. It is further submitted that as per the orders of the Hon'ble Court made in W.P.No.11544 to 11552 of 2012, dated 28.06.2012 on the file of the Hon'ble Principal Seat at Madras and W.P.(MD)No.2167 to 2174, dated 10.02.2014 on the file of the Madurai Bench of Madras High Court, the individuals were upgraded as Grade I Police Constable/Head Constable/Special Sub-Inspector of Police on par with their batchmates with reference to enlistment cut off dates. These orders are applicable to the Police personnel who are covered under the above said Government Orders and cannot be made applicable for others.

12.It is submitted that the Hon'ble High Court has ordered in favour of Department in some cases and the details are furnished hereunder:

i) Writ Petition (MD)Nos.17136/2012, 17140 to 17144/2012, 789/2013, 790/2013, 793 to 795/2013, 1467 to 1471/2013, 4303/2013, 5973/2013, 6271/2013, 6409/2013 and 1744/2013 were dismissed by a common order dated 22.04.2013."

6. Considering the facts and circumstances of the case and having regard to the submissions made by the parties, this Court, without going into the merits of the petitioners' claim, directs the respondents to consider the petitioners' representations dated 10.07.2017, 10.07.2017, 11.07.2017, 12.07.2017 and 24.07.2017 respectively, for granting upgradation as well as revision of pay and other benefits and pass appropriate orders on merits and in accordance with law and also in the light of the orders passed in WP.Nos. 11544 to 11550 of 2012 dated 28.06.2012 on the file of the Principal Seat at Madras and W.P.(MD)Nos.2167 to 2074 of 2014, dated 10.02.2014 on the file of this Court, after granting an opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.



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7. All these Writ Petitions are disposed of with the above direction. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

Sub Assistant Registrar(CS)

To

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

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

3.The Deputy Inspector General of Police,
Dindigul Range, Dindigul.

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

5.The Superintendent of Police,
Dindigul District,
Dindigul.

6.The Deputy Inspector General of Police,
Madurai Range,
Madurai.

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

8.The Accountant General(Accounts & Entitlement),
Pension Section-15,
361, Anna Salai,
Chennai-600 018.

+1cc to Mr.P.Gunasekaran, Advocate, SR.No.56357

+1cc to M/s.Special Government Pleader,SR.No.56357

W.P(MD)Nos.16576 to 16580 of 2017

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