



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:21.03.2019

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THE HONOURABLE MR.JUSTICE R.MAHADEVANW.P(MD)Nos.16581 to 16587 of 2017

K.MURUGESAN ... Petitioner in WP(MD). 16581 of 2017
M.DHANUSHKODI ... Petitioner in WP(MD). 16582 of 2017
R.PALANICHAMY ... Petitioner in WP(MD). 16583 of 2017
V.BOSE ... Petitioner in WP(MD). 16584 of 2017
R.CHANDRAN ... Petitioner in WP(MD). 16585 of 2017
S.NAGARAJAN ... Petitioner in WP(MD). 16586 of 2017
M.RAMARAJ ... Petitioner in WP(MD). 16587 of 2017

- Vs. -

1 THE STATE OF TAMILNADU REP. BY ITS SECRETARY, 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. Respondents Nos.1 to 3 in All Cases

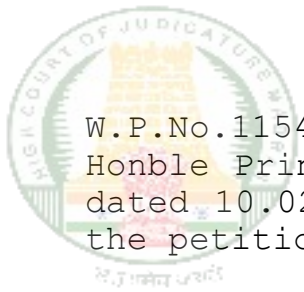
4 THE SUPERINTENDENT OF POLICE,
THENI DISTRICT, THENI ...4th Respondent in WP(MD)Nos.16581 to
16583 and 16585 to 16587 of 2017

4 THE SUPERINTENDENT OF POLICE,
MADURAI DISTRICT, MADURAI ...4th Respondent in WP(MD)No.16584 of 2017

5 THE ACCOUNTANT GENRAL (ACCOUNTS AND ENTITLEMENT),
PENSION SECTION - 15,
361 ANNA SALAI, CHENNAI 18 ...5th Respondent in All Cases

COMMON PRAYER :

Writ Petitions are filed under Article 226 of the Constitution of India, praying this Court To issue a writ of Mandamus directing the respondents to revise the pension and other retirement benefits of the petitioner 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



W.P.No.11544 to 11550 of 2012 dated 28.06.2012 on the file of the Honble Principal Seat at Madras and WP(MD)Nos.2167 to 2174 of 2014, dated 10.02.2014 on the file of this Court, which were extended to the petitioner's juniors within the time stipulated by this Court.

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For Petitioners

in all these petitions

:Mr.M.Siddharthan

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

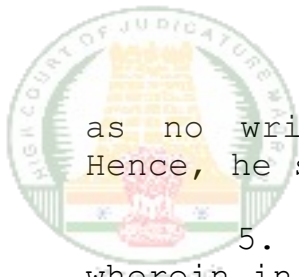
COMMON ORDER

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 the Government orders and the orders 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 2174 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 service, 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 have 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 06.07.2017, 07.07.2017, 07.07.2017, 10.07.2017, 10.07.2017, 12.07.2017 and 26.07.2017 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 2174 of 2014, dated 10.02.2014 on the file of this Court, which have become final,



as no writ appeal has been filed against the aforesaid order. 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. In view of the above, this Court, without going into the merits of the case, directs the respondent authorities to consider the petitioners' representations dated 06.07.2017, 07.07.2017, 07.07.2017, 10.07.2017, 10.07.2017, 12.07.2017 and 26.07.2017 respectively for granting upgradaton 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.No. 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 2174 of 2014, dated 10.02.2014 on the file of this Court, after granting sufficient opportunity of hearing to the petitioners, within a period of eight weeks from the date of receipt of a copy of this order.

7. All the 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 Superintendtn of Police,
Madurai District, Madurai.

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

+1cc to Mr.P.GUNASEKARAN, Advocate, SR.No.56356

W.P(MD)Nos.16581 to 16587 of 2017

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KK/SAR/22.04.2019/ 4P- 8C