



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 09.07.2019

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WEB COPY

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P(MD)No.7783 of 2015

Mr.R.Paulraj (Retd HC.1601)

... Petitioner

Vs

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

2.The Director General of Police,
Office of D.G.P.,
Kamarajar Salai,
Mylapore,
Chennai.

3.The Deputy Inspector General of Police,
Palayamkottai,
Tirunelveli.

4.The Superintendent of Police,
District Police Office,
Korampallam,
Thoothukudi District.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to promote the petitioner as Special Sub-Inspector of Police, notionally, with effect from the date of completion of 25 years of service of the petitioner as on 07.01.2000 in the light of the Order passed by the principal bench of this Hon'ble Court in W.P.Nos.23995 and 23996 of 2014 dated 04.09.2014 and consequently re-fix the pension and other attendant benefits correspondingly within a stipulated period of time.

For Petitioner : Mr.S.Siva Ilayaraja

For Respondents : Mr.S.Dhayalan,
Government Advocate

**ORDER**

The relief sought for in the present writ petition is for a direction to the respondents to promote the petitioner as Special Sub-Inspector of Police, notionally, with effect from the date of completion of 25 years of service of the petitioner as on 07.01.2000.

2.The contention of the writ petitioner is that the entire service in the Police Department is to be reckoned for the purpose of grant of up-gradation to the post of Special Sub-Inspector of Police. The very spirit of the Government Order is to grant up-gradation on completion of 10 years of service in the post of Head Constable. Therefore, the writ petitioner cannot claim that the entire service is to be taken into account for the purpose of grant of up-gradation to the post of Special Sub-Inspector of Police. The Government Order in this regard are categorically enumerated in paragraph-2 of the counter affidavit filed by the respondents and the same is extracted hereunder:-

" The Government had introduced the scheme of up-gradation of Grade II Police Constable as Grade I Police constable and Gr I Constable as Head Constable during the year 1992-1993 based on the recommendation of the second respondent viz., the Director General of Police, Chennai and issued G.O.Ms.No.1681 Home (Pol 5) Department dated 12.10.1992 sanctioning up-gradation of 21000 Posts of Grade II Police Constable as Grade I Police Constables and 2700 posts of Grade I Police Constable as Head Constable in four phases from 1992-1993, 1993-1994, 1994-1995 and 1995-1996 with a view to solve the problem of stagnation to certain extent and to motivate the Lower rank of Police Personnel to prepare themselves to perform their duties in a better way. Subsequently, the Government issued G.O.Ms.No.844 Home (Pol 5) Department dated 03.06.1997 ordering upgradation of Grade II Police Constable as Grade I Police Constable on their completion of 10 years of service as Grade II Police Constable and Grade I Police Constable as Head Constable on completion of 15 year of service with five years of service as Grade I Police Constable. In the light of direction of the above mentioned Government orders, the petitioner was upgraded as Grade I Police, and Head Constable on 22.07.1994 and 08.01.1998 respectively. Thereafter, Government issued G.O.Ms.No.937 Home (Pol 3) Department dated 21.07.1998 ordering upgradation of police Personnel as Special Sub-Inspector of Police on their completion of total service of 25 years with 10 years of service as Head Constable. It is submitted that the petitioner could not be upgraded as Special Sub-Inspector of Police due to obvious reasons that the petitioner had retired from service on 31.05.2006 before completion of 10 years of service in the rank of Head Constable. It is submitted that the petitioner has sought for upgradation as Grade I Police Constable, Head Constable



and Special Sub-Inspector of Police on 08.01.1985, 08.01.1990 and 08.01.2000 on completion of 10 years 15 years and 25 years respectively. It is submitted that the upgradation of police Personnel was introduced in the Police History of Tamil Nadu during the year 1992-1993 through issuance of G.O.Ms.No.1681 Home (Pol 5) Department dated 12.10.1992. The petitioner has sought for upgradation as Grade I Police Constable (i.e., on 08.01.1985) and Head Constable (i.e., on 08.01.1990) before the issuance of G.O.Ms.No.1681 Home (Pol.5) Department dated 12.10.1992 and G.O.Ms.No.844 Home (Pol.5) department dated 03.06.1997. It is submitted that the issuance of Government orders pertaining to the upgradation of Police Personnel could not be implemented with retrospective effect and to be given effect only from the date of issuance of the Government orders. The Government in their letter No.61616/Pol V/2012-5 dated 03.01.2013 have categorically reiterated that the orders giving upgradation would be given effect only from the date of issuance and not with retrospective effect.

3.In view of the fact that the writ petitioner even before completion of 10 years of service attained the age of superannuation and retired from service on 31.05.2006, he has not been considered for the benefit of up-gradation to the post of Special Sub-Inspector of Police.

4.This being the factum of the case, the relief as such sought for in the present writ petition cannot be granted. Accordingly, the writ petition stands dismissed.

Sd/-

Assistant Registrar (CS-III)

/ True Copy /

Sub Assistant Registrar(CS-)

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To

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+1 CC to M/s.SPL GP (SR-74519[F] dated 10/07/2019)

W.P (MD) No. 7783 of 2015
09.07.2019

ES/19.07.2019/4P/6C