

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 04.03.2020

CORAM:

THE HONOURABLE MR. JUSTICE T. RAJA

Writ Petition Nos.3825 to 3829/2010

W.P.No.3825 of 2010

A.Suresh Kumar Petitioner in WP.3825/2010
T.Ekambaram Petitioner in WP.3826/2010
T.Sivakumar Petitioner in WP.3824/2010
K.Pugazhenthir Petitioner in WP.3828/2010
K.Ganesan Petitioner in WP.3829/2010

Vs

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai-9.
2. Director General of Police,
Chennai-600 004.
3. Superintendent of Police,
District Police Office,
Perambalur District.

.... Respondents in all WPs

PRAYER:Writ Petition filed under Article 226 of the Constitution of India, praying to issue a Writ of Certiorari, to call for the records pertaining to the impugned order of reversion passed by the 3rd respondent herein in his Proceedings D.O.No.89/2010, C.No.A3/938/2010 dated 25.01.2010 and quash the same in so far as the petitioner is concerned.

For Petitioner : Mrs.S.Nirmala Daisy
in all W.Ps. for M/s.G.Bala and Daisy

For Respondents : Mr.M.Digvijayapandian,
in all W.Ps. Addl. Government Pleader

C O M M O N O R D E R

Challenging the impugned order of reversion passed by the 3rd respondent herein, namely, Director General of Police, Chennai, in his Proceedings in D.O.No.89/2010, C.No.A3/938/2010 dated 25.01.2010, reverting the petitioners from the post of Head Constable to the post of Grade I Police

Constable on the ground that the accelerated promotion will not confer any consequential seniority on such accelerated promotees either in the feeder category or in the promoted category, the present Writ Petitions have been filed.

2. Learned Counsel appearing for the petitioners in all these matters contended that when all the petitioners have opted to work in the Special Task Force (STF) formed by the Government to apprehend the notorious Forest Brigand Veerappan, after coming into the Special Task Force, in a daring operation of the STF headed by the Additional Director General of Police, had shot dead the forest brigand, bandit, murderer and dacoit Veerappan along with his three gang members on 18.10.2004. In recognition of the petitioners courage, the Government has also passed an order in G.O.Ms.No.1252, Home (Police VIII) Department, dated 29.10.2004 and G.O.Ms.No.1346, Home (Police VIII) Department, dated 16.12.2004 awarding one stage of accelerated promotion to the members of the Special Task Force for having participated in the encounter and killing of Forest Brigand Veerappan. Based on the above Government Orders, the petitioners were promoted from the post of Grade II Police Constable to the post of Grade I Police Constable w.e.f. 30.10.2004 and their seniorities were also counted with effect from the date of their accelerated promotion which is strictly in accordance with the rules. Thereafter, they were all further promoted as Head Constables on 20.04.2007. Accordingly, the Superintendent of Police, Perambalur District, also passed an order allowing the petitioners to complete the period of probation w.e.f. 18.12.2008 and their names were also included in the 'A' List to be promoted to the next rank.

3. The learned Counsel for the petitioners further submitted that when the petitioners were all serving as Head Constables, all of a sudden, the impugned reversion order has been passed on 25.01.2010 reverting them from the post of Head Constable to the post of Grade I Police Constable which is against the principles of natural justice because no opportunity whatsoever was given before they were reverted back to the post of Grade I Police Constable. Further it is in violation of the Orders passed by the Hon'ble Supreme Court of India in Bhagwan Shukla vs. Union of India and others reported in JT 1994 (5) SC 253. Therefore, they have been advised to come to this Court seeking to set aside the impugned order of reversion.

4. A detailed counter affidavit has been filed by the respondents.

5. Learned Additional Government Pleader appearing for the respondents submitted that the inter-se seniority between

the accelerated promotees and the general promotees in the promoted category shall be in the order of seniority in the feeder category (Lower category) and the accelerated promotion will not confer any consequential seniority on such accelerated promotees either in the feeder category or in the promoted category and the same shall be added after Rule 24 (f) of the General Rules as Rule 24(g). In this regard, G.O.Ms.No.1396, Home (POL 1A) Department, dated 03.10.2007 was issued and the same was also communicated in Chief Office Endorsement in Rc.No.180617/GB V(1)/2006 dated 23.11.2007. In the meanwhile, similar issue was taken up by this Court in W.P.Nos.35716/2007 etc. batch and this Court passed a Common Order dated 14.10.2009 making it clear that the seniority between the accelerated promotees and the general promotees in the promoted category shall continue to be governed by their panel position i.e. with reference to their inter-se-seniority in the lower grade. Therefore, on the basis of the orders passed by this Court in W.P.Nos.35716/2007 etc. batch dated 14.10.2009 read with Rule 24(g), the petitioners cannot claim any mileage, without questioning the validity of 24(f). Hence, the present Writ Petitions have to be dismissed.

6. Considered the rival submissions made on either side and I have also perused the materials available on record carefully.

7. It is an admitted case that the petitioners were reverted by the impugned order dated 25.01.2010 passed by the Superintendent of Police, District Police Office, Perambalur District, from the post of Head Constable to the post of Grade I Police Constable based on Rule 24(g) which says that the inter-se-seniority between the accelerated promotees and the general promotees in the promoted category shall be in the order of seniority in the feeder category (Lower category) and the accelerated promotion will not confer any consequential seniority on such accelerated promotees either in the feeder category or in the promoted category. But in the present case, the petitioners have not questioned the validity of Rule 24(g) as rightly contended by the learned Additional Government Pleader appearing for the respondents. Therefore, this Court is of the view that without questioning the validity of Rule 24(g) of the General Rules, the petitioners cannot maintain the present Writ Petitions.

8. In the result, the Writ Petitions fail and the same are accordingly dismissed. No costs.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

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To

1. The Secretary to Government,
Home Department,
Fort St. George, Chennai-9.
2. Director General of Police,
Chennai-600 004.
3. Superintendent of Police,
District Police Office,
Perambalur District.

+1cc to Mr.G.Bala & Daisy, Advocate SR.19581

+1cc to the Government Pleader SR.19754

W.P.Nos.3825 to 3829/2010

SR(CO)
CB(21/10/2020)



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