

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 22.09.2020

PRONOUNCED ON : 02.12.2020

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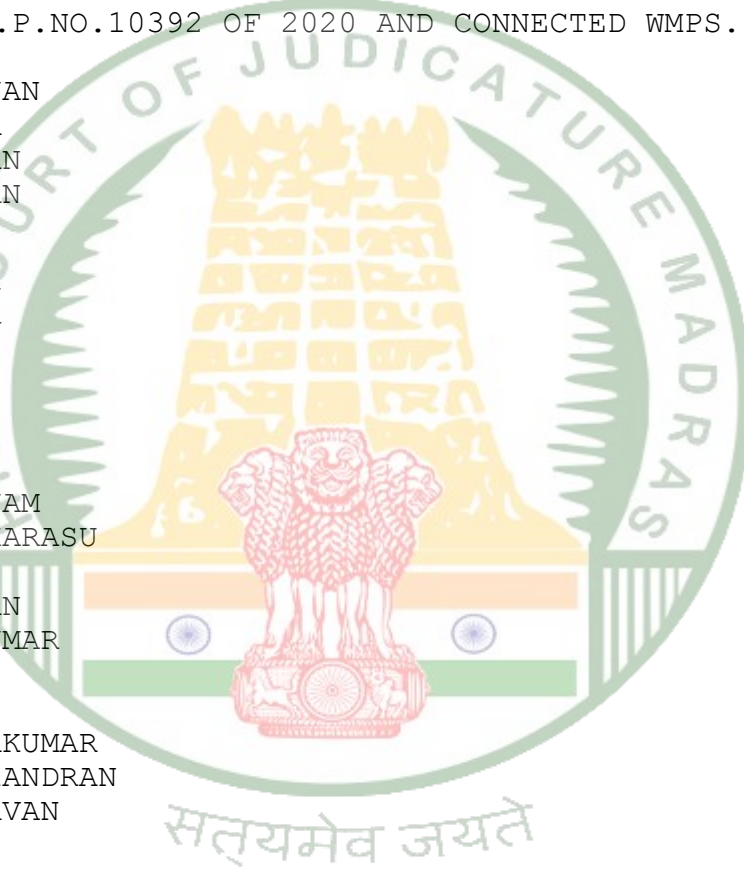
THE HONOURABLE MR.JUSTICE V.PARTHIBAN

W.P.NOS.24461 OF 2013, 20145 OF 2018, 26276 OF 2013,
12719, 8596, 1173, 8163, 8654, 14302 & 13345 OF 2020

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W.M.P.NO.10392 OF 2020 AND CONNECTED WMPS.

- 1.S.RADHAKRISHNAN
- 2.V.ASHOK KUMAR
- 3.SENTHILKUMARAN
- 4.P.CHANDRAMOHAN
- 5.R.MUTHARASU
- 6.A.MURUGASAMY
- 7.K.SRIDAR BABU
- 8.A.D.MOHAN RAJ
- 9.K.RAMASAMY
- 10.M.MADASAMY
- 11.P.PREMKUMAR
- 12.S.RAJKUMAR
- 13.R.VEDARATHINAM
- 14.S.THIRUNAVUKARASU
- 15.S.ELANGO
- 16.M.KARTHIKEYAN
- 17.M.M.ASHOK KUMAR
- 18.N.MOHANRAJ
- 19.ABDULLAH
- 20.V.R.GAJENDRAKUMAR
- 21.K.P.S.JEYACHANDRAN
- 22.R.VEERARAGHAVAN
- 23.V.VELAN
- 24.M.KANAGARAJAN
- 25.P.ARUMUGHAM
- 26.H.M.SAHUL HAMEED
- 27.R.GUNASEKARAN
- 28.S.M.SUBRAMANIAM
- 29.K.SRIDHARAN
- 30.C.PERIYAIYA
- 31.P.GANESAN
- 32.S.MANOCHARAN
- 33.S.S.MOHAN



WEB COPY

34.T.MUTHUMANICKAM

35.S.M.ELANGO

... Petitioners in WP.No.24461 of 2013

1 P.STEPHEN,
S/O.PITCHAI,
ASSISTANT COMMISSIONER OF POLICE,
CENTRAL CRIME BRANCH,
GREATER CHENNAI, CHENNAI.

... Petitioner in WP.No.20145 of 2018

1 G.AUGUSTINE PAUL SUDHAKAR
S/O.P.G.SOLOMON NO.161/4,
KARTHIK PARTMENTS, M.G.ROAD,
KUMARAN NAGAR, PADI, CHENNAI-50.

2 K.GOWTHAMAN,
S/O.KANNAN, NO.8, S BLOCK, S.I.QUARTERS
LUTHERAN GARDEN, KILPAUK, CHENNAI-10

3 A.YAKKOOB
S/O.ABDUL GANI, A41,
NEW P.R.O.POLICE QUARTERS,
R.A.PURAM, MANDAVELI, CHENNAI-28

4 P.RAJA
S/O.P.PARASURAMAN,
NO.3, INSPECTOR OF POLICE QUARTERS,
NO.36, SAIDAPET ROAD, VADAPALANI,
CHENNAI-26.

5 A.KUMARAVELU,
S/O.ARUMUGAM, 4/37, KUMARAN NAGAR,
PARIVAKKAM, POONAMALLEE (PO), CHENNAI-56

6 RAMACHANDRA MOORTHY
A-4/8 NEW P.R.O.QUARTERS R.A.PURAM
CHENNAI-28

7 S.SANKAR
S/O.S.SINGARAVELU (LATE)
B7 POLICE QUARTERS
WEST MADHA CHURCH STREET
ROYAPURAM CHENNAI-13

- 8 V.VISWESWARAYA
S/O.VENKATARAMAN 6D CID POLICE QUARTERS
MANDAVELI CHENNAI-28
- 9 J.VIJAI ANAND
S/O.M.JEEVARATHINAM (LATE) S-2 LUTHERAL
GARDEN POLICE LANE KILPAUK CHENNAI-10
- 10 M.VETRICHEZHIAN
S/O.M.MANI NO.3/11A 4TH STREET SEVA NAGAR
GANDHI ROAD VELACHERY CHENNAI-600 042
- 11 N.VENKATESAN
S/O.TR.K.NAGENDRAN NO.5/2 FLAT NO.9 MAIN
ROAD KODAMBAKKAM CHENNAI-29
- 12 KUMARA GURUBARAN
A1/3 NEW P.R.O. QUARTERS R.A.PURAM
MANDAIVELLI CHENNAI-28
- 13 M.ASHOK KUMAR
S/O.P.MANI NO.6 INSPECTOR QUARTERS
SAIDAPET ROAD VADAPALANI CHENNAI-26
- 14 N.KARUNAKARAN
S/O.NATARAJAN NO.7 S BLOCK S.I.QUARTERS
LUTERALS GARDEN KILPAUK CHENNAI-10
- 15 M.BALARSUBRAMANIYAN
S/O.MARUDHAPPAN H6 S.I.BLOCK T.P.CHATRAM
POLICE QTRS. KILPAUK CHENNAI-10
- 16 T.GOPAL
S/O.K.DRAVIYAN C3 POLICE QTRS.
DR.RADHAKRISHNAN SALAI MYLAPORE CHENNAI-4
- 17 G.PRAVIN KUMAR
S/O.GUNASEKARAN SAMS COURT NO.50 PANCHALI
AMMAN KOIL STREET ARUMBAKKAM CHENNAI-106
- 18 A.SIVARAJAN
NO.22 A CID QUARTERS MANDAIVELI CHENNAI-28
- 19 SEMBEDU BABU
NO.12 2ND CROSS 2ND STREET
VAISHNAVI NAGAR CHENNAI-109

- 20 M.JEEVANANDAM
U1 S.I. QUARTERS LUTHERN GARDEN KILPAUK
CHENNAI 10
- 21 G.PUGAZHVENDHAN
S/O.R.GOVINDASAMY NO.11 A CID QUARTERS
MANDAVELI CHENNAI 28
- 22 M.CHELLAMUTHU
S/O.S.MAHALINGAN NO.13A CID OFFICERS QTRS
MANDAVELI CHENNAI 28
- 23 K.SUTHAKAR
20A C.I.D. QUARTERS
MANDAVELI CHENNAI 28
- 24 S.J.JOHN KENNEDY
C4 OLD P.R.O. QUARTERS
MANDAVELI CHENNAI 28
- 25 KRISHNAMOORTHY
S/O.HALLEN C 15 POLICE QTRS
DR.RADHAKRISHNAN SALAI
MYLAPORE CHENNAI 4
- 26 N.LAVAIKUMAR
NEW NO.6 OLD NO.21
PONNANKINARU STREET LANE
VILLIVAKKAM CHENNAI 49
- 27 M.ANNADURAI
B6 POLICE QUARTERS KAMARAJ COLONY
T.NAGAR, CHENNAI 17
- 28 G.JANARDANAN
C/O.SANKARASUBBU NO.9A
77TH STREET ASHOK NAGAR
CHENNAI 83
- 29 M.PRAKASH BABU
NO.69 PILLAYAR KOVIL STREET
KAIKONKUPPAM CHENNAI 87
- 30 K.JAGADEESWARAN
S/O.KUGAN NO.3 FIRST MAIN ROAD
ANNA NAGAR PAMMAL CHENNAI 75

- 31 S.K.RAMESH
NO.5 KAVIMANI STREET
THIRUVALLUVAR MAIN ROAD
NEHRU NAGAR BYE PASS ROAD
MADURAI 625 010
- 32 M.MUTHUKUMAR
A3/3 NEW P.R.O. QUARTERS
MANDAVELI CHENNAI 28
- 33 S.SATHIYAMOORTHY
A53 NEW P.R.O.QUARTERS MANDAVELI
CHENNAI 28
- 34 C.NATESAN
B4/2 NEW P.R.O. QUARTERS
R.A.PURAM CHENNAI 28
- 35 P.K.PRAKASH
NO.25 SRI RANGA GARDEN
KOLATHUR CHENNAI 99
- 36 R.KUMARESAN
S/O.RAMASAMY 3A CID QUARTERS R.A.PURAM
MANDAVELI CHENNAI 28
- 37 T.SABARINATHAN
B2 OLD P.R.O.QUARTERS
MANDAVELI CHENNAI 28

... Petitioners in WP No.26276 of 2013

- 1 N.PARAMASIVAM
S/O.S.NADARAJAN SUB-INSPECTOR OF POLICE
GNT ROAD TRAFFIC INVESTIGATION
CHENNAI CITY
- 2 S.ELANGO
S/O.SUBRAMANIAN SUB-INSPECTOR OF POLICE
KULASEKARAM POLICE STATION
KANNIYAKUMARI DISTRICT
- 3 S.SYED NISAR AHAMED
S/O. N.SYED SHAMEER SUB-INSPECTOR OF POLICE
MANUR POLICE STATION
TIRUNELVELI DISTRICT

... PETITIONERS in WP No.12719 of 2020

- 1 A.BABU
S/O.G.APPUSAMY SUB-INSPECTOR OF POLICE
MARAKKANAM POLICE STATION VILLUPURAM
DISTRICT-604 303.
- 2 G.SANKAR B.A.,
S/o.V.P.GANESAN,
SUB-INSPECTOR OF POLICE, L & O,
PONNAI POLICE STATION, VELLORE.
- 3 K.PARAMESVARAN,
S/o.M.KRISHNASAMY,
SUB-INSPECTOR OF POLICE,
ECONOMIC OFFENCE WING-II,
CUDDALORE DISTRICT.
- 4 G.K.CHANDRASEKARAN,
S/O.S.KRISHNAN,
SUB-INSPECTOR OF POLICE,
TIRUPPUR CITY NORTH POLICE STATION,
TIRUPPUR.
- 5 K.S.RAVICHANDRAN,
S/O.V.SUBRAMANI,
SUB-INSPECTOR OF POLICE,
SALEM GH POLICE STATION,
SALEM CITY
- 6 M.KUMARAN,
S/O.P.MALAIYAPPAN,
SUB INSPECTOR OF POLICE,
MELPATTI POLICE STATION,
VELLORE DISTRICT.
- 7 S.PATHMANABAN,
S/O.R.SELVARAJ
SUB INSPECTOR OF POLICE,
ANTI LAND GRAB SPECIAL CELL,
SALEM DISTRICT.
- 8 K.ESWARAN,
S/O.KANDASAMY,
SUB INSPECTOR OF POLICE,
PERAMANALLUR POLICE STATION,
THIRUPUR DISTRICT.

- 9 P.MURUGAN,
S/O.PACHAMUTHU,
SUB INSPECTOR OF POLICE,
METTUR POLICE RECRUIT SCHOOL,
SALEM DISTRICT.
- 10 V.SEENIVASAN,
S/O.G.VENGADASAMY,
SUB INSPECTOR OF POLICE,
CCIW-CID COIMBATORE CITY.
- 11 S.MURUGESAN,
S/O.SUBBURAJ,
SUB INSPECTOR OF POLICE,
SPECIAL BRANCH CID,
DINDIGUL DETACHMENT, DINDIGUL
- 12 S.VELUMANI,
S/O.SINGARAVEL,
SUB INSPECTOR OF POLICE,
DISTRICT CRIME BRANCH, ERODE,
DISTRICT ERODE.
- 13 T.MARIMUTHU,
S/O.THIRUMALAI KUMAR,
SUB INSPECTOR OF POLICE,
SBCID TIRUPPUR DISTRICT.
- 14 R.DURASAMY,
S/O.RENGASAMY,
SUB INSPECTOR OF POLICE,
GH POLICE STATION,
ERODE DISTRICT.
- 15 D.BOOPATHY,
S/O.DURAI RAJ,
SUB INSPECTOR OF POLICE,
SPECIAL BRANCH CID,
DINDIGUL DETACHMENT,
DINDIGUL.
- 16 S.NOWSHATH,
S/O.MR.SYED BASHEER,
SUB INSPECTOR OF POLICE,
TRAFFIC INVESTIGATION WING L/O,
HOSUR TOWN, KRISHNAGIRI DISTRICT.

- 17 M.RAJASEKARAN,
S/O.K.MUNIYAN,
SUB INSPECTOR OF POLICE,
POLICE RECRUIT SCHOOL,
MAILAM, VILLUPURAM DISTRICT.
- 18 K.PONNUCHAMY,
S/O.T.KUPPAMUTHU,
SUB INSPECTOR OF POLICE,
PALANI RAILWAY POLICE STATION,
DINDIGUL DISTRICT.
- 19 R.K.RAVICHANDRAN,
S/O.T.KRISHNAMOORTHY,
SUB INSPECTOR OF POLICE,
X3, SIRUPAKKAM POLICE STATION,
TITTAGUDI TK, CUDDALORE DISTRICT.
- 20 G.BABU,
S/O.V.GURUSAMY,
SUB INSPECTOR OF POLICE,
SBCID, RAMANATHAPURAM DISTRICT.
- 21 M.NALLASAMY,
S/O.MARAPPAGOUNDER,
SUB INSPECTOR OF POLICE,
SB CID ERODE, ERODE DISTRICT.
- 22 P.MOHANASUNDARAM,
S/O.A.PALANIAPPAN,
SUB INSPECTOR OF POLICE,
CONTROL ROOM, ERODE DISTRICT.
- 23 A.VELUMANI,
S/O.C.K.ANDIYAPPAN,
SUB INSPECTOR OF POLICE,
NATHAM POLICE STATION, DINDIGUL
- 24 K.KUMAR,
S/O.D.KRISHNAPPA,
SUB INSPECTOR OF POLICE,
Q BRANCH, C.I.D, KRISHNAGIRI.
- 25 M.BASKARAN,
S/O.D.M.MUNIRAJ,
SUB INSPECTOR OF POLICE,
KADATHUR POLICE STATION,
DHARMAPURI DISTRICT.

- 26 N.MURUGESAN,
S/O.NANJAN,
SUB INSPECTOR OF POLICE,
Q- BRANCH, C.I.D,
KRISHNAGIRI DISTRICT.
- 27 G.RAMALINGAM,
S/O.GOPAL,
SUB INSPECTOR OF POLICE,
SBCID WING, KARUR DISTRICT.
- 28 R.VIVEKANANDHAN,
S/O.P.RENGASAMY,
SUB INSPECTOR OF POLICE,
E3, ANNA NAGAR, CRIME, MADURAI CITY.
- 29 K.GANESAN,
S/O.R.KALIMUTHU,
SUB INSPECTOR OF POLICE,
PASUPATHIPALAYAM POLICE STATION,
KARUR DISTRICT.
- 30 R.ALAGARSAMY,
S/O.S.K.RAMAN,
SUB INSPECTOR OF POLICE,
THADIKOMBU POLICE STATION,
DINDIGUL DISTRICT.
- 31 A.KATHIRVELU,
S/O.S.K.ARUMUGAM, SUB INSPECTOR OF POLICE,
INTERLIGENCE SECTION, COIMBATORE.
- 32 R.JOTHIMANI,
S/O.RANGASAMY,
SUB INSPECTOR OF POLICE, SBCID, COIMBATORE.
- 33 G.JAGAN,
S/O.Y.GNANAM,
SUB INPECTOR OF POLICE,
ASSISTANT LAW INSTRUCTOR,
POLICE RECRUIT SCHOOL,
THOOTHUKKUDI DISTRICT.
- 34 S.BALACHANDAR,
S/O.A.SARAVANIAY PILLAI,
B3, VARIETY HALL ROAD P.S.,
COIMBATORE CITY.

- 35 M.VELLIRAJ,
S/O.A.MARIMUTHU,
SUB INSPECTOR OF POLICE,
D3, PODANUR, COIMBATORE CITY
- 36 B.SIVANU,
S/O.BAGAVATHI THEVAR,
SUB INSPECTOR OF POLICE,
B4, UKKADAM POLICE STATION,
COIMBATORE CITY.
- 37 R.VIJAYARAJU,
S/O.V.RAMASAMY,
SUB INSPECTOR OF POLICE,
TRICHENGODE POLICE STATION,
NAMAKKAL DISTRICT.
- 38 R.PUSHPARAJ,
S/O.K.RAMANUNJAM,
SUB INSPECTOR OF POLICE,
M1, VRIDDHACHALAM POLICE STATION,
CUDDALORE DISTRICT.
- 39 G.PALANI MURUGAN,
S/O.A GANAPATHI,
SUB INSPECTOR OF POLICE,
JUNCTION CRIME POLICE STATION,
TIRUNELVELI CITY.
- 40 K.SARAVANAN CHAND GANDHI,
S/O.A.S.KRISHNAMURTHY,
SUB INSPECTOR OF POLICE,
C2, ELEPHANT GATE,
CHENNAI CITY.
- 41 A.MURUGAN,
S/O.V.ANDI,
SUB INSPECTOR OF POLICE,
B6, JAIHINDUPURAM
MADURAI CITY.
- 42 T.VIJAI KUMAR,
S/O.D.THANGAMANI,
SUB INSPECTOR OF POLICE,
SBCID,
TIRCHY CITY.

- 43 M.VENKATACHALAM,
S/O.A.MANICKAM,
SUB INSPECTOR OF POLICE,
SBCID, AVINASIPALAYAM,
TIRUPPUR.
- 44 A.N.R.SRIDHARAN,
S/O.ANM RAJENDERAN,
SUB INSPECTOR OF POLICE,
D2, SELLUR CRIME POLICE STATION,
MADURAI CITY.
- 45 A.GANGADHARAN,
S/O.P.ADIMOOLAM,
SUB INSPECTOR OF POICE,
CENTRAL CRIME BRANCH,
CHENNAI .
- 46 S.VELU,
S/O.SOLAI, SUB INSPECTOR OF POLICE,
E2, RAYAPETTAI POLICE STATION,
CHENNAI CITY.
- 47 J.JOTHI SUBRAMANIAM,
S/O.N.JAYAJOTHIRAJ,
SUB INSPECTOR OF POLICE,
DEVADANAPATTI POLICE STATION,
THENI DISTRICT.
- 48 C.VEERAMUTHU,
S/O.CHENNU,
SUB INSPECTOR OF POLICE,
KARUMANDURAI POLICE STATION,
SALEM DISTRICT.
- 49 K.PALANISAMY,
S/O.KARUPPUANNAN,
SUB INSPECTOR OF POLICE,
SALEM CITY TOWN POLICE STATION,
SALEM CITY.
- 50 G.RAMESH,
S/O.C.GOVINDARAJAN,
SUB INSPECTOR OF POLICE,
MKB NAGAR POLICE STATION,
CHENNAI CITY.

- 51 J.LOURDHU JAYARAJ,
S/O.JOHN SOLOMON,
SUB INSPECTOR OF POLICE (U/S)
AMBUR TOWN POLICE STAION,
VELLORE DISTRICT.
- 52 K.RAVICHANDRAN,
S/O.KANNUSAMY, SUB INSPECTOR OF POLICE,
PATTUKKOTTAI TALUK, POLICE STAION,
THANJAVUR DISRICT.
- 53 B.ANBURAJ,
S/O.BALAKRISHNAN,
SUB INSPECTOR OF POLICE,
CRIME BRANCH, NAGAPATTINAM.
- 54 S.BOOPATHY,
S/O.SACHIDANANDAM,
SUB INSPECTOR OF POLICE,
AMBATHURAI POLICE STATION,
DINDIGUL DISTRICT.
- 55 K.SEEMAICHAMI,
S/O.S.P.KASI,
SUB INSPECTOR OF POLICE,
CORE CELL SECURITY, MARUTHAM,
CHENNAI-600028.
- 56 A.MANICKAM,
S/O.AROKIASAMY,
SUB INSPECTOR OF POLICE,
RAMNAD DISTRICT.
- 57 D.MATHIYALAGAN,
S/O.DHULASIAYYA,
SUB INSPECTOR OF POLICE,
B3, PALAKARAI CRIME PS,
TRICHY CITY.
- 58 D.JOHN KENNEDY,
S/O.M.DANIEL, SUB INSPECTOR OF POLICE,
THUVAKUDI PS, TRICHY DISTRICT.
- 59 S.SELVARAJ,
S/O.M.SUBBAIAH,
SUB INSPECTOR OF POLICE,
VAIYAMPATTI POLICE STATION,
TRICHY DISTRICT.

- 60 K.KUMAR,
S/O.P.KRISHNAN,
SUB INSPECTOR OF POLICE,
SIU-SBCID, TIRUNELVELI.
- 61 S.RAVICHANDRAN,
S/O.H.M.SHANMUGAM,
SUB INSPECTOR OF POLICE,
SBCID, KRISHNAGIRI DISTRICT.
- 62 A.CHANDRAN,
S/O.R.ARJUNAN,
SUB INSPECTOR OF POLICE,
SENDAMANGALAM POLICE STATION,
NAMAKKAL DISTRICT.

... PETITIONERS in WP No.8596 of 2020

- 1 THIRUNAVUKKARASU.R
DEPUTY COMMISSIONER OF POLICE-1 FLAT NO.9
BLOCK-I SP/DC QUARTERS KILPAUK
CHENNAI - 10
- 2 SUNDARARAJAN M
ADDITIONAL SUPERINTENDENT OF POLICE (RETD.)
25, KURUNJI STREET, MATHINAA NAGAR
KOVAIPUDUR, COIMBATORE 641042
- 3 CHENNAMALLAN KK
ADDITIONAL SUPERINTENDENT OF POLICE (RETD.)
S/O.E.KRISHNAN, 247/173 HIGGINS ROAD
UDHAGAMANDALAM, NILGIRIS DISTRICT.
- 4 RAJENDRAN P
ADDITIONAL SUPERINTENDENT OF POLICE (RETD.)
S/O.PUSHPANATHAN, 21, FIRST CROSS WEST STREET
MEENA ESTATE, COIMBATORE 641028
- 5 JAWAHAR P
INSPECTOR OF POLICE, S/O.PETTERPAPPU
M4-RED HILLS POLICE STATION L AND O.
GREATER CHENNAI POLICE CHENNAI 600110
- 6 MURUGESAN K
INSPECTOR OF POLICE S/O.KOLANDAIYAPPAN
ATTUR RURAL POLICE STATION SALEM DISTRICT

- 7 PEER BASHA A
INSPECTOR OF POLICE (L AND O)
S/O ABDUL RASHEED
FORE SHORE ESTATE POLICE STATION
MYLAPORE DISTRICT, GREATER CHENNAI POLICE
CHENNAI
- 8 SELVAKAN DAVID D,
INSPECTOR OF POLICE, S/O.DURAIRAJ.K
SB-CID HQ, MYLAPORE, CHENNAI -4.
- 9 SARAVANAPRABHU S
INSPECTOR OF POLICE, S/O.SUNDARAM,
MADHAVARAM PEW, NORTH ZONE,
GREATER CHENNAI POLICE, CHENNAI.
- 10 PANDITHURAI.P
INSPECTOR OF POLICE,
S/O.PITCHAIYAN.A, SPECIAL INTELLIGENCE UNIT
SB-CID TRICHY.
- 11 RAMESH KUMAR G
INSPECTOR OF POLICE, S/O.GANESAN
VIGILANCE ANTI-CORRUPTION, NAGAPATTINAM
NAGAPATTINAM DISTRICT
- 12 SIVAKUMAR V.V
INSPECTOR OF POLICE
B1 TOWN CENTRAL POLICE STATION
NILGIRIS DISTRICT
- 13 GNANAPRAKASAM S
INSPECTOR OF POLICE
SPECIAL BRANCH ERODE DISTRICT.
- 14 BALASUNDARAM S
INSPECTOR OF POLICE
KARAMADAI POLICE STATION, COIMBATORE DISTRICT.
- 15 MANIKANDAN K
INSPECTOR OF POLICE KALLAL POLICE STATION
DEVAKOTTAI SUB-DIVISION
SIVAGANGAI DISTRICT.
- 16 SARAVANADEVENDRAN.S
INSPECTOR OF POLICE, S/O.SUBRAMANIAN.A
NO.91/8, 8TH CROSS STREET, RATINAM NAGAR
UNJAMPATTI, THENI, THENI DISTRICT.

- 17 PRASANNAVENKATESH A
INSPECTOR OF POLICE, S/O.ACHUTHAN, EOW-II
TIRUCHIRAPPALLI, TIRUCHIRAPPALLI DISTRICT.
- 18 SENTHIL R
INSPECTOR OF POLICE, S/O.RAJAMANICKAM
DOOR NO.80, ST.NO.4, SATTAYAMPUDUR
THIRUCHENGODUTALUK, NAMAKKAL DISTRICT.
- 19 VELLIRAJ M
SUB-INSPECTOR OF POLICE S/O.MARIMUTHU.A
B-2 R.S.PURAM POLICE STATION
COIMBATORE CITY.
- 20 CHELLAPANDIAN N
SUB-INSPECTOR OF POLICE, S/O.NALLAIAH.R.M.
Q-BRANCH CID, PUDUKOTTAI DISTRICT.
- 21 BALACHANDAR S
SUB-INSPECTOR OF POLICE
S/O.SARAVANAIYAPILLAI, B-3,
V.H ROAD POLICE STATION, COIMBATORE CITY.
- 22 CHANDRAN A
SUB-INSPECTOR OF POLICE, S/O.ARJUNAN.R
NO.6/1033, PONVILZA NAGAR, TRICHY ROAD
NAMAKKAL DISTRICT.
- 23 MADHESWARAN S.S
SUB-INSPECTOR OF POLICE, S/O.SUBBANCHETTIYAR
PRS METTUR SALEM DISTRICT.
- 24 BASKARAN M
SUB-INSPECTOR OF POLICE, S/O.MUNIRAJ.D.M.
KADATHUR POLICE STATION, DHARMAPURI DISTRICT.
- 25 NOWSATH S
SUB-INSPECTOR OF POLICE S/O.SYED BASHEER
TRAFFIC INVESTIGATION WING HOSUR
KRISHNAGIRI DISTRICT.
- 26 MURUGESAN N
SUB-INSPECTOR OF POLICE S/O.NANJAN
Q-BRANCH CID KRISHNAGIRI DISTRICT.
- 27 KUMAR K
SUB-INSPECTOR OF POLICE, S/O.KRISHNAPPA
Q-BRANCH CID, KRISHNAGIRI DISTRICT.

- 28 ANANDAN C
SUB-INSPECTOR OF POLICE
UTHANPALLI POLICE STATION
KRISHNAGIRI DISTRICT.
- 29 SUNDARAM S.P.
SUB INSPECTOR OF POLICE,
ARMED RESERVE, SALEM CITY.
- 30 T.SIVAKUMAR HC 1421
S/O THACHINAMOORTHY MT PLATOON
ARMED RESERVE PERAMBALUR DISTRICT 621212.
- 31 MUTHUKUMARAN P HC 1462
S/O.PUNNIYASEELAN.K(LATE)
2ND PLATOON ARMED RESERVE
PERAMBALUR DISTRICT 621212.
- 32 PUGAZHENDHI K
HC1461 S/O.KUMARASAMY 1ST PLATOON
ARMED RESERVE
PERAMBALUR DISTRICT 621212.
- 33 RAJKUMAR.M, HC482,
S/O.MUTHUSAMY.K 1/67 EAST STREET
NALLIPALAYAM POST, NAMAKKAL DISTRICT 637003.
- 34 ANNA V HC 431
S/O.VELAN.E.M, J-6 POLICE QUARTERS
PARAMATHI ROAD PERIYAPPATTI
NAMAKKAL DISTRICT.
- 35 ANBUKUMARAN B HC 1250
S/O.BALAKRISHNAN.M NO.22
GREEN GARDEN 3RD CROSS
VARICHIKUDI POST KARAIKKAL.
- 36 SATHIYASELVAN R HC 1237
S/O.RAMAKRISHNAN.G, NO.9, KOTTUCHERRYSALAI
NEDUNGADU KARAIKKAL.
- 37 KANDAKUMAR C HC 1461
S/O.CHINNAPPA.R, NO.1, SIVAN SANNATHI STREET
NIRAVI KARAIKKAL.
- 38 RANJITH KUMAR R HC 823
S/O.RAJAIAH.S, NO.255, NEW CHITTRAMPALAM
LAYOUT P.N.PALAYAM, COIMBATORE 641037.

- 39 VASUDEVAN R HC 36853
S/O.RAJAMANIKAM.D, NO.108/4A, ANNAI INDIRA NAGAR,
NEMILICHERY, THIRUNNINDRAVUR,
CHENNAI 602024.
- 40 SARAVANAKUMAR N HC 1639
S/O.NARAYANAN.S.R. OCIU, DINDIGUL DISTRICT.
- 41 RAMESH BABU HC 648
S/O.SUBBARAM.M PEW DINDIGUL DINDIGUL
DISTRICT.
- 42 LOGANATHAN B HC 1637
S/O.BOSE.B SPECIAL BRANCH DINDIGUL
DINDIGUL DISTRICT.
- 43 MUTHURAJ R HC 1631
S/O. RENGASAMY NO.75D/28
THIRUMALAISAMPURAM NAGAL NAGAR EOW-II
DINDIGUL DINDIGUL DISTRICT.
- 44 SRINIVASAN P HC 1634
S/O.PALANICHAMY.P AMBILIKKAI POLICE STATION
DINDIGUL DISTRICT.
- 45 JEYASEELAN.T, HC 1635
S/O.THANGAPPAN.K. NSD WING DINDIGUL
DISTRICT.
- 46 PRABAKARAN S HC 1266
S/O.SUBBAIAH NSD WING
DINDIGUL DISTRICT.
- 47 ARIVUDAINAMBI T HC 376 RETD
S/O.DHARMALINGAM 3/114 SATHANOR POST
SALAIGRAMAM ILAYANGUDITALUK
SIVAGANGAI DISTRICT.
- 48 RAJASEKARAN S HC 1381
S/O. SANKAN M NO.4 POLICE QUARTERS
SINGARATHOPPU PARMAKUDITALUK
RAMNAD DISTRICT.
- 49 SRIKANTH K HC 1706
S/O.KARUPPAIAH.M NO.1010 EAST STREET
A.MURAIYUR SINGAMPUNARITALUK SIVAGANGAI
DISTRICT 630501

- 50 KUBENDIRAN C HC 1707
S/O.CHINNATHAMBI.V, A2/114, INDRA NAGAR
MANA MADURAI ROAD, SIVAGANGAI DISTRICT-630501
- 51 ALLIMUTHU A HC 1708
S/O.ARUNAGIRI, LAKSHMIPURAM, MADAGUPATTI VIA
SIVAGANGAITALUK, SIVAGANGAI DISTRICT.
- 52 SUNDARAPANDIA CT HC 1709
S/O.CHIDAMBARAM.N, NO.9/3B, CAPTAIN LAKSHMI STREET,
NATTARASANKOTTAI, SIVAGANGAI DISTRICT.
- 53 VENKATRAMAN M HC 1674
S/O.MATHIYAZHAGAN.A
NO.1277/B BOWLAW NAGAR
AR BACK SIDE SIVAGANGAI DISTRICT
- 54 BALAMURUGAN T HC 1563
S/O.THIYAGARAJAN(LATE)
NO.5 MAGIMAIDOSS
STREET WALAJABAD
KANCHEEPURAM DISTRICT.
- 55 VIJAYARAJ R
NO.42, NORTH STREET, ULUNDHANGUDI,
MANACHANALLUR POST AND TALUK, TRICHY DISTRICT-621005.
- 56 ELANGO KALLIKUDI
RANJI NAGAR POST, ALLI STREET,
CHOLAN NAGAR, TRICHY 620009.
- 57 NAVANEETHAKRISHNA, HC 1500
S/O.MALAIYAN, THENKARAI PS, THENI DISTRICT.
- 58 JEGANATHAN.HC 1502
S/O.MAYAN PK ARMED RESERVE
THENI DISTRICT
- 59 ELAYARAJA.K, HC 1888
S/O.KARUPPAIYAN.P E/10 NEW POLICE
QUARTERS V.O.C. NAGAR
TANJORE 613007.
- 60 KRISHNA KUMAR.K, HC 2920
S/O.KARUNANIDHI.V FLAT NO.45
SRI GOWRI NAGAR RETTIPALAYAM ROAD
TANJORE DISTRICT 613004.

- 61 GOPI.P, HC 320
S/O.PETHU.K, NO.6/1038 PONVIZHA NAGAR
PASUMAI NAGAR TRICHY ROAD NAMAKKAL
NAMAKKAL DISTRICT.
- 62 RAVICHANDRAN.T.R, HC137
S/O.RAJU T.K NO.6/1038-1 PONVIZHA NAGAR
PASUMAI NAGAR TRICHY ROAD
NAMAKKAL DISTRICT.
- 63 MUTHUKUMAR.M, HC 135
S/O.MURUGESAN (LATE)
NO.1/64 BOMMASAMUTRAM
SENDAMANGALAM NAMAKKAL DISTRICT.
- 64 BALASUBRAMANIYAN.P, HC 499
S/O.PALANISAMY (LATE) E-28/1 POLICE QUARTERS
SILLUVAMPATTI POST, NAMAKKAL DISTRICT.
- 65 NARASIMMAN V HC 1551
S/O.VASUDEVAN B-87 TNHB QUARTERS
NEAR COLLECTORATE KANCHIPURAM.
- 66 SOLAIRAJA,T, HC 2355
S/O.THAVASI 184/27 KAMATCHI NAGAR
E.S.I.HOSPITAL (OPP.)
THATHANERI MAIN ROAD
MADURAI 625018.
- 67 SUBRAMANI.J, HC35773
S/O.JAYARAMAN.V 9TH BLOCK NO.4 TNPHC
QUARTERS ST.MOUNT CHENNAI 600 016.
- 68 LOGESWARAN A
HC1535, 55/5A KAIKOLAR STREET
VELLUR POST NAMAKKAL DISTRICT.
- 69 RAMESH S HC1493
S/O.SALAMUTHU.K, ALLINAGARAM POLICE STATION
THENI DISTRICT.
- 70 RAMKUMAR M, HC1491
S/O.MANICKAM.R, THEVARAM POLICE
STATION THENI DISTRICT.
- 71 CHELLADURAI M.P
HC1488 S/O.PANDAN.M, ANTI NAXAL WING
THENI DISTRICT.

- 72 T.PANDIAN @ KANNAN
HC1487 S/O THINAGARABOSE.S
ANTI NAXAL WING
THENI DISTRICT.
- 73 SENTHILKUMAR.A, HC1490
S/O.ALWAR.R, ANTI NAXAL WING
THENI DISTRICT.
- 74 PANDIAN.C,
HC1494, S/O.CHELLAIAH.P
ANTI NAXAL WING, THENI DISTRICT.
- 75 SUBRAMANI.R, HC1505
S/O.RAJU.N, ANTI NAXAL WING,
THENI DISTRICT.
- 76 GANESAN.P, HC 1498
S/O.PERUMAL.V
ANTI NAXAL WING
THENI DISTRICT.
- 77 SELVAEASWARAN.R.L,
HC1503, S/O.RAJAGOPAL.L
PC PATTI, THENI DISTRICT.
- 78 THIRUPATHI RAJA.B
HC1506, S/O.BALAKRISHNAN
ANTI NAXAL WING
THENI DISTRICT.
- 79 THAVAMANI M
HC1489, S/O.MAYATHEVAR.V
ANTI NAXAL WING
THENI DISTRICT.
- 80 MURUGADASS P
HC1570, S/O.PALANIAPPAN.S.L
Q-BRANCH CID, THENI DISTRICT.
- 81 SAKTHIVEL A
HC1645, S/O.ANNAKODI.M
G.VILAKKU POLICE STATION,
THENI DISTRICT.
- 82 MUTHUPANDI M
HC2994, S/O.MANIKKAM
MADURAI CITY AR MADURAI.

- 83 SUGUMAR K
HC2187, S/O.KARUTHAKANNAN,
OCIU, MADURAI CITY.
- 84 KARUNANIDHI.A
HC2214, S/O.ARUMUGAM.N
TALLAKULAM L AND O PS,
MADURAI CITY.
- 85 VIJAYASEELAN P
HC1336 S/O.PANDIAN
MADURAI CITY AR
MADURAI.
- 86 RAJASUTHAKAR GK
HC2225, S/O.KRISHNAN,
MADURAI CITY AR
MADURAI.
- 87 JEGAN AROCKIARAJ J
HC2474 MADURAI CITY AR
MADURAI.
- 88 VEERASEENU P
HC876 MADURAI CITY AR
MADURAI.
- 89 BALASUBAMANIYAN S
SPECIAL SUB-INSPECTOR
S/O.SANKAR ANNA NAGAR L AND O
MADURAI CITY.
- 90 GUNASELAN C
HC2999 S/O.CHINNATHAMBI
B4 KEERATHURAI, POLICE STATION
MADURAI CITY
- 91 MAHENDRAN M
HC3464 S/O.MALAYAN.M
B4 KEERATHURAI, POLICE STATION
MADURAI CITY.
- 92 PERUMAL K HC 344
S/O.KARUPPAIAH
PERIYANAICKENPALAYAM POLICE STATION
COIMBATORE DISTRICT.

... PETITIONERS in WP No.1173 of 2020

- 1 V.SEETHARAMAN
SON OF R.K.VENKATESAN AGED ABOUT 50 YEARS
ASSISTANT COMMISSIONER OF POLICE
SECURITY CHENNAI POLICE, CHENNAI-600 008.
- 2 A.YAKKOOB
SON OF ABDUL GANI AGED ABOUT 53 YEARS
DEPUTY SUPERINTENDENT OF POLICE OFFICE OF DIRECTOR
GENERAL OF POLICE CHENNAI- 600 004.
- 3 MECLARINE EASKHOL
SON OF T.K.THOMAL AGED ABOUT 52 YEARS
DEPUTY SUPERINTENDENT OF POLICE
DIRECTOR OF VIGILANCE AND ANTI CORRUPTION
TIRUNELVELI.
- 4 S.RAMAKRISHNAN
SON OF R.SRINIVASAN AGED ABOUT 50 YEARS
DEPUTY SUPERINTENDENT OF POLICE
SATTUR SUB DIVISION VIRUDHUNGAR DISTRICT.
- 1 P.STEPHEN
S/O.PITCHAI DEPUTY SUPERINTEDENT OF POLICE
PROHIBITION ENFORCEMENT WING
VIRUDHUNAGAR DISTRICT.
... PETITIONERS in WP No.8163 of 2020
- 1 K.PREM CHANDRAN
S/O.KRISHNAMOORTHY
SUB INSPECTOR OF POLICE
D-3 KODALPUTHUR POLICE STATION
MADURAI CITY
... PETITIONER in WP No.8654 of 2020
- 1 S.RAMESH
S/O.S.SANTHANAM SUB-INSPECTOR OF POLICE
SERIOUS CRIME SQUAD, DHARMAPURI
... PETITIONER in WP No.14302 of 2020
- 2 K.SAKTHIVEL
S/O.M.KUPPUSAMY,
SUB INSPECTOR OF POLICE
PALACODE POLICE STATION,
DHARMAPURI DIST.
... PETITIONERS in WP No.13345 of 2020

Vs.

1. THE STATE OF TAMILNADU,
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, SECRETARIAT,
CHENNAI-600 009
2. THE DIRECTOR GENERAL OF POLICE,
CHENNAI-600 004
3. TAMILNADU PUBLIC SERVICE COMMISSION,
REP. BY ITS SECRETARY,
V.O.C NAGAR, PARK TOWN,
CHENNAI- 600 003
4. P. JAWAHAR,
INSPECTOR OF POLICE,
V-7, NOLAMBUR POLICE STATION, CHENNAI CITY.
5. K. SASIKUMAR,
INSPECTOR OF POLICE,
STF CAMP, SATHYAMANGALAM,
ERODE DISTRICT
6. D. SELVAKKAN DAVID,
INSPECTOR OF POLICE, SB-CID, MYLAPORE,
CHENNAI-4
7. P. PANDITHURAI,
INSPECTOR OF POLICE, VRIDHACHALAM CIRCLE,
CUDDALORE DISTRICT.
8. P. ARUMUGAM,
INSPECTOR OF POLICE,
ANTI NAXAL WING, THENI & DINDIGUL DISTRICT.
9. S. SARAVANA PRABU,
INSPECTOR OF POLICE,
R-9, VALASARAVAKKAM POLICE STATION,
CHENNAI CITY
10. J. JAMES JAYARAJ,
INSPECTOR OF POLICE,
SOCIAL JUSTICE & HUMAN RIGHTS,
DINDIGUL DISTRICT.

11. P. ANAND,
INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT
12. S. GNANAPRAKASAM,
INSPECTOR OF POLICE,
PEW, GUDDALUR UNIT,
THE NILGIRIS.
13. N. MANIKANDAN,
INSPECTOR OF POLICE,
SATTUR TOWN CIRCLE,
VIRUDHUNAGAR DISTRICT
14. J. SUBASH,
INSPECTOR OF POLICE,
MATHIKONAPALAYAM,
DHARMAPURI DISTRICT.
15. A. MOHAN NAWAS,
ADDITIONAL SUPERINTENDENT OF POLICE,
SOCIAL JUSTICE & HUMAN RIGHTS, COIMBATORE.
16. M. RAJENDRAN,
ADDITIONAL SUPERINTENDENT OF POLICE,
CB-CID, CC WING, COIMBATORE.
17. N. RAJARAJAN,
ADDITIONAL SUPERINTENDENT OF POLICE,
CORE-CELL, CID SECURITY, CHENNAI.
18. D. KANDASWAMY,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW (NORTH-II),
GREATER CHENNAI POLICE.
19. K. THIRUMALAICHAMY,
ADDITIONAL DEPUTY COMMISSIONER OF POLICE/ESTATE WELFARE &
COMMUNITY POLICING, GREATER CHENNAI POLICE.
20. V. BALASUBRAMANIAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PROHIBITION ENFORCEMENT
WING-II, CENTRAL-II,
GREATER CHENNAI POLICE.
21. A. ELANGO,
ADDITIONAL SUPERINTENDENT OF POLICE, DCRB,
KANYAKUMARI DISTRICT.

- 22.J.RATHINAVEL,
ADDITIONAL SUPERINTENDENT OF POLICE, DIRECTORATE OF VIGILANCE
& ANTI CORRUPTION, THANJAVUR.
- 23.K.GUNASEKARAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW-II, ERODE DISTRICT.
- 24.M.BALASUBRAMANIAN,
ADDITIONAL SUPERINTENDENT OF POLICE, DIRECTORATE OF VIGILANCE
& ANTI CORRUPTION, VELLORE.
- 25.S.KUMARAVELU,
ADDITIONAL SUPERINTENDENT OF POLICE,
DCRB, THIRUVANNAMALAI.
- 26.M.GNANASEKARAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW, THOOTHUKUDI-II.
- 27.S.BALASUBRAMANIAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW,
PROHIBITION ENFORCEMENT
WING II, THIRUNELVELI DISTRICT.
- 28.L.SRINIVASAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW-II,
CUDDALORE DISTRICT.
- 29.S.PERUMAL SWAMY,
ADDITIONAL SUPERINTENDENT OF POLICE, CORE-CELL,
CID SECURITY BRANCH, CHENNAI.
- 30.R.VEERAPERUMA,
ADDITIONAL SUPERINTENDENT OF POLICE,
CORE CELL,
CID SECURITY BRANCH, CHENNAI.
- 31.S.VELLADURAI,
ADDITIONAL SUPERINTENDENT OF POLICE,
PEW, RAMNAD-II.
- 32.S.LAYOLA IGNATIUS,
ADDITIONAL SUPERINTENDENT OF POLICE/ ADDITIONAL
DEPUTY COMMISSIONER,
CRB, TIRUNELVELI DISTRICT.
- 33.K.RAJAVEL,
ADDITIONAL SUPERINTENDENT OF POLICE, RAILWAY POLICE,
TRICHY

34.V.SUBBARAJ,
ADDITIONAL SUPERINTENDENT OF POLICE/ADDITIONAL
DEPUTY COMMISSIONER, PEW-WEST,
GREATER CHENNAI POLICE.

(R4 TO R34 IMPEDED AS PER ORDER
DATED 21.10.2013 BY NKKJ IN
MP.NOS.4 & 5 OF 2013 IN WP.NO.24461 OF 2013)

... Respondents in
WP.No.24461 of 2013

- 1 THE STATE OF TAMILNADU
REP BY ITS PRINCIPAL SECRETARY TO GOVERNMENT
HOME (POL.1A) DEPARTMENT SECRETARIAT
FORT ST.GEORGE, CHENNAI 600 009
- 2 THE DIRECTOR GENERAL OF POLICE
MYLAPORE, CHENNAI 600 004
- 3 M.CHANDRASEKARAN
ADDITIONAL SUPERINTENDENT OF POLICE
HEADQUARTERS, SALEM DISTRICT
- 4 THE SECRETARY
TAMILNADU PUBLIC SERVICE COMMISSION, VOC NAGAR,
FRAZER BRIDGE ROAD, PARK TOWN
CHENNAI 600 003

... RESPONDENTS in WP No.20145 of 2018

- 1 STATE OF TAMILNADU
REP. BY PRINCIPAL SECRETARY TO GOVERNMENT
HOME DEPARTMENT SECRETARIAT CHENNAI-9
- 2 THE DIRECTOR GENERAL OF POLICE
DR.RADHAKRISHNAN ROAD MYLAPORE
CHENNAI-4
- 3 THE SECRETARY
TAMILNADU PUBLIC SERVICE COMMISSION
FRAZER BRIDGE ROAD
V.O.C.NAGAR PARK TOWN CHENNAI-3

... RESPONDENTS in WP No.26276 of 2013

1 THE PRINCIPAL SECRETARY TO GOVERNMENT
HOME DEPARTMENT FORT ST.GEORGE
CHENNAI - 600009

2 THE DIRECTOR GENERAL OF POLICE
LAW AND ORDER CHENNAI - 600004

... RESPONDENTS in WP No.12719 of 2020

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT, FORT.ST.GEORGE,
CHENNAI-600 009.

2 THE DIRECTOR GENERAL OF POLICE,
LAW AND ORDER, CHENNAI-600 004.

... RESPONDENTS in WP No.8596 of 2020

1 ADDITIONAL CHIEF SECRETARY TO GOVERNMENT
FORT.ST.GEORGE, CHENNAI-9.

2 THE DIRECTOR GENERAL OF POLICE,
POLICE HEAD QUARTERS
DR.RADHAKRISHNAN SALAI
MYLAPORE, CHENNAI-4.

3 THE COMMISSIONER OF POLICE
NO 132 COMMISISONER OFFICE BUILDING
EVK SAMPATH ROAD VEPERRY PERIYAMET
CHENNAI, TAMIL NADU- 600007

... RESPONDENTS in WP No.1173 of 2020

1 STATE OF TAMIL NADU
REP BY ITS SECRETARY TO GOVERNMENT HOME DEPARTMENT
FORT.ST.GEORGE
CHENNAI-600 009.

2 THE DIRECTOR GENERAL OF POLICE
MYLAPORE
CHENNAI-600 004.

3 M.CHANDRASEKARAN
ADDITIONAL DEPUTY COMMISSSIONER OF POLICE
CRIME AGAINST WOMEN AND CHILDREN SALEM CITY
SALEM.

... RESPONDENTS in WP No.8163 of 2020

1 THE STATE OF TAMIL NADU
REP BY ITS ADDITIONAL CHIEF SECRETARY TO GOVT
HOME (POLICE 1A) DEPARTMENT
SECRETARIAT FORT.ST.GEORGE CHENNAI-9.

2 THE DIRECTOR GENERAL OF POLICE
(TAMIL NADU), KAMARAJAR SALAI, MYLAPORE, CHENNAI-4

3 M.CHANDRASEKARAN
ADDL DEPUTY COMMISSIONER OF POLICE
CRIMES AGAINST WOMEN AND CHIDREN SALEM CITY, SALEM.

4 THE SECRETARY
TAMIL NADU PUBLIC SERVICE COMMISSION
VOC NAGAR TNPSC ROAD PARK TOWN
CHENNAI-3

... RESPONDENTS in WP No.8654 of 2020

1 THE PRINCIPAL SECRETARY TO GOVERNMENT,
HOME DEPARTMENT FORT ST GEORGE
CHENNAI 600 009

2 DIRECTOR GENERAL OF POLICE
LAW AND ORDER
CHENNAI 600 004

... RESPONDENTS in WP No.14302 of 2020

1 THE PRINCIPAL SECRETARY TO GOVERNMENT
HOME DEPARTMENT
FORT ST.GEORGE
CHENNAI 600 009

2 DIRECTOR GENERAL OF POLICE
LAW AND ORDER
CHENNAI 600 004

... RESPONDENTS in WP No.13345 of 2020

Prayer:

WP.No.24461 of 2013:-

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus, to call for the records on the file of the first respondent in connection with the Notification in G.O.Ms.No.550, Home (Police-2) dated 24.07.2013 and quash the same and direct the respondents to consider the petitioners' for promotion to the next post on the basis of the judgment rendered by the Hon'ble Division Bench of this Court in W.A.Nos.849 to 854 of 2010 dated 05.04.2013.

WP.No.20145 of 2018:-

Writ of certiorarified Mandamus to call for the records relating to the impugned Government order issued by the 1st Respondent in G.O.(2D)No.145 Home(Po.1A)Department dated 31.05.2017 in so far as inclusion of name of 3rd Respondent and the subsequent promotion given by the 1st Respondent in Police Note No.12 Home (Pol.1A) Department dated 30.06.2017 and to Quash the same in so far as inclusion of name of 3rd Respondent and consequently directing the Respondents 1 and 3 to revert the 3rd Respondent by revising the seniority in the post of Deputy Superintendent of Police with out reference to consequential accelerated seniority based on accelerated promotion and to place him below to the petitioner in the seniority, with all all consequential and other attendant benefits and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.

WP.No.26276 of 2013:-

Writ of certiorarified Mandamus to call for the records relating to the impugned Notification issued by the 1st respondent in G.O.Ms.No.550, Home (Police-2) Department dated 24.07.2013 and quash the same and consequently direct the respondents to publish the seniority list of the Inspector of Police in accordance with Special Rules for Tamil Nadu Police Subordinate Services, as amended and in accordance with Judgment passed in W.A.No.849 of 2010 etc., cases dated 05.04.2013 within a time frame to be fixed by this Honourable Court.

WP.No.12719 of 2020:-

Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent herein in his proceedings Rc.No.NGB-I(1)/534461/2020, dated 25.07.2020 and quash the same and consequently direct the respondents herein to extend the benefits of G.O.Ms.No.550 Home (Police 2) Department dated 24.07.2013 with regard to fixation of Seniority and promote the petitioners as Inspectors of Police (Law and order) taking into account the date of their accelerated promotion to the post of Sub-Inspectors of Police, together with all consequential service and monetary benefits or any other appropriate Writ, Order, direction in the nature of a Writ or another appropriate relief as this Hon'ble Court may deem fit in the circumstances of the case.

WP.No.8596 of 2020:-

Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent herein in his proceedings Rc.No.2020/NGBV(1)/2020 dated 09/06/2020 and quash same consequently direct the respondents herein to extend the benefits of G.O.Ms.No.550 Home (Police 2) Department dated 24/07/2013 with regard to fixation of seniority and promote to the petitioners as Inspector of Police (Law and Order) taking into account the date of their accelerated promotion the post of Sub - Inspectors of Police, together with all consequential service and monetary benefits or any other appropriate writ, Order Direction in the nature of a Writ or another appropriate relief as this Hon'ble Court may deem fit in the circumstances of the case.

WP.No.1173 of 2020:-

Writ of Mandamus to directing the Respondents to issue orders of Promotion to the Petitioner's from the date of their immediate Junior got promoted to the next higher Cadre as Per Rule 11(B) of the Tamil Nadu Police Service rules which has been followed in G.O.MS.NO.771 and as per the order of this Honble court dated 27.09.2013 based on the representation of the Petitioners dated 22.07.2017 and pass such or other order or orders.

WP.No.8163 of 2020:-

Declaration declaring the action of the 1st and 2nd respondent in granting promotion to the 3rd respondent to the post of deputy superintendent of police with effect from 16.07.2009 pursuant to G.O.Ms.No.204 dated 19.02.2010, promotion to the post of Additional Superintendent of police by G.O.(2D) No.145, Home (Pol.1A)n Department dated 31.05.2017 and the Police Note No.12 dated 30.06.2017 on the basis of assigning accelerated seniority consequent to accelerated promotion from the post of Sun Inspector of Police to the post post of inspector of police as illegal arbitrary and contrary to law and consequently direct the 1st and 2nd respondent to restore the Seniority of the 3rd respondent in the post of Deputy Superintendent of Police and Additional Superintendent of Police on the basis of the seniority in the post of Sub Inspector of Police assigned based on the marks obtained in the Police Training College as stipulated in Rule 25 of the Tamil Nadu Police Subordinate Service Rules and not to extend any further promotion to the 3rd respondent on the basis of the accelerated seniority and pass such other orders or directions in the circumstances of the case.

WP.No.8654 of 2020:-

Writ of Certiorarified Mandamus to call for the records relating to the impugned Government order issued by the 1st Respondent in G.O.MS.NO 229 Home (Police 1A) Department dated 09.06.2020 and to quash the same in so far as inclusion of the name of 3rd Respondent is concerned and consequently directing the Respondents and 2 to revise the seniority of the 3rd Respondent in the Post of Deputy Superintendent of Police without reference to consequential accelerated seniority based on accelerated Promotion and to place the 3rd respondent below the Petitioner in the seniority with all consequential and other attendant benefits and to pass such further or other orders as this Hon'ble Court may deem fit and proper in the facts and circumstance of the case.

WP.No.14302 of 2020:-

Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent herein in his proceedings RC.No.NGB-I(1)/534461/2020, dated 25.07.2020 and quash the same and consequently direct the respondents herein to extend the benefits of G.O.MS.NO.550 Home (Police 2)Department dated 24.07.2013 with regard to fixation of

seniority and promote the petitioner as Inspectors of Police (Law & Order) taking into account the date of their accelerated promotion to the post of Sub-Inspectors of Police, together with all consequential service and monetary benefits or any other appropriate Writ, Order, Direction in the nature of a Writ or another appropriate relief as this Hon'ble Court may deem fit in the circumstances of the case.

WP.No.13345 of 2020:-

Writ of Certiorarified Mandamus to call for the records pertaining to the impugned order passed by the second respondent herein in his proceedings Rc.No.NGB I(1)/534461/2020, dated 25.07.2020 and quash same and consequently direct the respondents herein to extend the benefits of G.O.Ms.No.550 Home (Police 2) Department dated 24.07.2013 with regard to fixation of seniority and promote the petitioners as Inspectors of Police (Law & Order) taking into account the date of their accelerated promotion to the post of sub-Inspectors of Police together with all consequential service and monetary benefits or any other appropriate writ, order, direction in the nature of a writ or another appropriate relief as this Hon'ble Court may deem fit in the circumstance of the case.

For Petitioners : Mr.R.Singaravelan Sr. Counsel
in WP.No.24461 of 2013

Mr.G.Sankaran in WP.No.26276 of 2013,
20145 of 2018, 8654 of 2020

Mr.S.Prabakaran Sr.Counsel for
Mr.R.Krishnakumar in WP.No.1173 of 2020

Mr.Balan Haridass in WP.No.8163 of 2020

Fr.Xavier Arul Raj Sr.Counel Assisstd
by M/s.G.Bala & Daisy in WP.Nos.8596 of
2020, 12719 of 2020, 13345, 14302 of
2020

For Respondents: Mr.P.H.Arvind Pandian,
Addl.Advocate General
assisted by Mr.R.Vijayakumar, AGP

for RR1 & 2 in WP.Nos.24461 of 2013,
20145 of 2018, 8654 of 2020, 12719 of
2020, 13345, 14302, 8596 of 2020
and RR1 to 3 in WP Nos.26276 of 2013,
8163 of 2020 & 1173 of 2020

M/s.C.N.G.Niraimathi,
Standing Counsel for R3 in WP.No.24461
of 2013 & R4 in WP No.20145 of 2018

Mr.A.Kalaiselvan for RR 4 to 34 in WP
No.24461 of 2013

Mr.AR.L.Sunderasan, SC for
Mrs.Vedavallikumar for R3 in
WP.No.20145 of 2018 & 8165 of 2020

COMMON ORDER

These matters are taken up through web hearing.

2. This batch of Writ Petitions has been filed by the Police Personnel working in various cadres principally governed by the Tamil Nadu Police Subordinate Service Rules, Tamil Nadu State Police Service Rules apart from other Special Rules made applicable to their Services. The controversy in these Writ Petitions has its origin when the Government took a decision in 2004 regarding the Police Personnel attached to the Special Task Force (STF) involved in nabbing of Forest brigand Veerappan in Sathyamangalam Forest, Erode. On successful completion of the task entrusted to them, in 2004, the Police personnel who were actively involved in the operation, had been rewarded among other benefits like cash and allotment of vacant plots, with accelerated promotions to the next respective higher posts. These Writ Petitions are the fall out of the conferment of accelerated promotions to the Police Personnel of the STF, as to the recurring effect of continuation of the special benefits, as consequence of its implementation.

3. In order to understand the variegated nature of challenges at the instances of the cross section of the Police Personnel advancing their respective interests over a period of 15 years or so, broadly, the challenge can be classified into two opposing groups, viz., one conferred with the special benefit of accelerated promotions, along with seniority due to their involvement in the STF operation and the other regular

police personnel, being aggrieved by the recurring benefits enjoyed by the accelerated promotees throughout their service, detrimental to their interests. According to this group, the grant of the benefit of accelerated promotion was consciously intended to be a one time benefit to the next higher posts and not meant to accelerate further promotions of those police personnel all through their service.

4. The fundamental facts and circumstances needed to be stated to trace back the bone of contention between the opposing groups, resulting in spate of Writ Petitions being filed over the years and how the mutually contradictory dispute was resolved eventually by a detailed decision of a Division Bench of this Court and yet how the dispute got its re-birth in different form and substance, seeking judicial intervention all over again, calling for adjudication of the rival grievances of the opposing groups from the scratch. Interestingly, the Government caught between rival groups of Police Personnel, has been adopting contradictory positions, without any definite policy frame work towards resolution of the dispute. As could be seen in the narrative of the Division Bench judgment, the Government has been mindlessly shifting its stand without any clue as which side it should protect in the interest of overall administration. Different decisions were taken presumably more on the basis of expediency in order to appease one lobby over the other, than on the larger principle of upholding the interest of the entire department. The inconstant and capricious positions adopted by the Government has greatly added to the list being unresolved as on date, despite the categorical ruling of this Court settling all contentious issues at rest in 2013 itself.

5. Now coming back to the primal point of the dispute, on 29.10.2004, the Government of Tamil Nadu issued G.O.Ms.No.1252 Home (Pol.VIII) Department, granting accelerated promotions to the Police Personnel and officers from one rank above due to their involvement in the Special Task Force operation in exterminating the dreaded Forest Brigand Veerappan and his gang members in 2004. The seniority of the accelerated promotees was, to be fixed in a manner under the said G.O. as provided under sub para (e) of para 5 as below. It is relevant to mention here that for granting accelerated promotion en masse, the government created as many as supernumerary posts in various ranks in order to accommodate as many police personnel recommended to be promoted.

"(e) The names of individual who are granted accelerated promotion be placed at the bottom of the seniority list of the respective category existing on the date of their joining duty in the new post."

6. Likewise, the Government issued separate orders subsequently, vide G.O.Ms.No.1346 dated 16.12.2004, G.O.No.1170 dated 06.07.2005 etc., granting accelerated promotions with reference to the periodical recommendations made in respect of Police Personnel who had been part of the STF. After issuing the above Government Orders, the Government on the perspective of hindsight later realized that what was intended originally was to accord accelerated promotions as one time measure and it was never meant to provide accelerated seniority also, as provided for in Sub Clause (e) of para 5 of G.O.Ms.No.1252 dated 29.10.2004, extracted supra. This was due to the fact that the regular Police Personnel who could not be the part of the STF, for no fault of theirs, felt aggrieved, as many of their juniors who had been randomly selected to serve in the STF and had been conferred with the benefit of accelerated promotions along with accelerated seniority had over taken them in the matter of promotions not only in the next higher posts, but also to further higher ranks, by virtue of the benefit of the unintended accelerated seniority conferred on them.

7. With a view to address the anomaly, in creating two sets of Police Personnel namely, accelerated promotees and regular promotees in the police rank, the Government took a considered and conscious decision by issuing G.O.1396, Home (Police-A) Department, dated 03.10.2007. In terms of the said Government Order, para 5(e) in G.O.Ms.1252 dated 29.10.2004 and yet another G.O reiterating the same position as 5(e), came to be deleted and in that place the following was inserted.

"The seniority between accelerated promotees and 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. At any stage, the accelerated promotion will not give the individual accelerated consequential seniority, since the accelerated promotion is only for one stage."

8. The Government, by introducing the above Clause in terms of G.O.Ms.No.1396, had made it very clear that the accelerated

promotees cannot be given accelerated seniority also as the accelerated promotion itself was given as a one time measure in order to appreciate their gallantry service as being part of the STF and it was not intended to continue at every stage of their career.

9. The issuance of G.O.Ms.1396 dated 03.10.2007 was the triggering point of the protracted controversy between two sets of Police Personnel namely, accelerated promotees on one hand and regular promotees on the other, which gave rise to the filing of plethora of Writ Petitions before this Court and have been engaging its attention periodically and till date.

10. The accelerated promotees who challenged the subsequent G.O.Ms.No.1396 dated 03.10.2007 felt aggrieved that when they were conferred with the benefit of accelerated promotion earlier in 2004, they were assured and given to understand that such benefit of accelerated promotions would also include accelerated seniority as provided in the respective Government Orders and therefore, the Government cannot unilaterally change their position to the detriment of their interests, after their promotions, by acceding to the illegitimate demand of the regular promotees who did not serve in the STF. According to them, they had risked their lives in being part of the STF operation and served the Force and proved their mettle. Therefore, the Government felt obligated to reward them suitably in advancing their career prospects.

11. On the other side of the spectrum, it was contended that the rewarding of the STF Personnel ought to have been restricted to one time accelerated promotions and conferring further benefit of accelerated seniority was originally unintended and the Government after realizing the ill effect of further benefit of accelerated seniority namely creation of a separate cadre within the Police Department, enabling, by default those accelerated promotees to steal a march over regular promotees at every stage of promotion to the higher cadres/posts and to retrieve the situation, as a correctional measure, G.O.Ms.No.1396 dated 03.10.2007 was passed. When the said G.O. was issued, the Government also took into consideration the accelerated promotees were in fact, accommodated only in the supernumerary posts and not against regular sanctioned cadre strength.

12. Multiple challenges through various Writ Petitions were heard by a learned Single Judge in WP.No.35716 of 2007 etc.

batch and vide order dated 14.10.2009 upheld the G.O.Ms.No.1396 dated 03.10.2007 and dismissed all the Writ Petitions. Against the orders of the learned Single Judge, Writ Appeals in W.A.Nos.849 to 854 of 2010 were filed by the aggrieved Writ Petitioners. While hearing the Writ Appeals, a Division Bench of this Court vide its order dated 12.04.2012 granted interim stay of the order passed by the learned single Judge. During the operation of the interim order, on the basis of the advise by the then learned Advocate General of Tamil Nadu, the Government issued yet another Order on the subject matter vide G.O.Ms.No.332, Home (Police-A) Department dated 03.05.2012 cancelling the previous order contained in para 3 of G.O.Ms.No.1396 dated 03.10.2007, thereby restoring the original position as it stood in para 5(e) of G.O.Ms.No.1252 dated 29.10.2004.

13. When the position was reversed, particularly when the litigations were pending before this Court, another set of Police Personnel who were regular promotees filed Writ Petitions in W..P.(MD) Nos.8911, 17731 and 20778 of 2012, challenging the validity of G.O.Ms.No.332 dated 03.05.2012. Many Police Personnel who were likely to be affected by the outcome of the challenges to G.O.Ms.No.332 dated 03.05.2012 got themselves impleaded in the Writ Petitions. Those Writ Petitions were also posted before the Division Bench which was hearing W.A.No.849 to 854 of 2010. Subsequently, the Division Bench of this Court vide its order dated 05.04.2013 in W.A.Nos.849 to 854 of 2010 & 2066 of 2010 and connected Writ petitions in W.P.Nos.25736 to 25741 of 2010 batch, dismissed all the appeals and thereby confirmed the order passed by the learned Single Judge upholding G.O.Ms.No.1396 dated 03.10.2007. The Division Bench while upholding so, had also expressed its displeasure to the Government for passing G.O.Ms.No.332 dated 03.05.2012 when the lis was pending before the Division Bench. The observation of the learned Division Bench in the operative portion of the Judgement, is extracted hereunder:

"138. Without going into all these aspects, we could have set aside G.O.Ms.No. 332 dated 3.5.2012, by simply holding so in view of our findings and decision rendered in the above writ appeals. Yet, we would like to express our dismay and displeasure over the action of the Government in hurriedly passing G.O.Ms.No.332 without even waiting for the decision in the writ appeals. Therefore, we are of the view that in all fairness

G.O.Ms.No.332 dated 3.5.2012 ought not to have been passed by the Government. Consequently, we have no hesitation in holding that G.O.Ms.No.332 dated 3.5.2012 is invalid and passed without any competency. Accordingly, the same is liable to be quashed."

14. The Division Bench after recording its displeasure as above, allowed W.P.Nos.17731, 20728 & W.P.(MD).No.8911 of 2012 challenging G.O.Ms.No.332 dated 03.05.2012. The learned Division Bench of this Court has rendered a very detailed judgment after considering every point in issue, reasons, rival contentions of the parties and the relevant rules that governed and covered the subject promotions. The judgment, in fact, did not leave any issue open for further adjudication nor any aspect of rival claims remain untouched. The Division Bench has thus brought to an end the raging dispute, of the opposing groups, settling the rival claims of the Police Personnel by a well considered judgment.

15. The trajectory thus far bringing down the curtain on the simmering contention between the two opposing groups, unfortunately took another twist and turn, when the Government once again on a policy swing with its knee jerk reaction to the ruling of the Division Bench, decided to amend the relevant rule. The Government did not allow the comprehensive ruling of the Division Bench to put an end to the prolonged polemics of the opposing groups, as a fair resolution of the lis. However, instead, the Government ostensibly and rather irrationally taking a needless cue from the statement of the learned Division Bench, wherein, it was inter alia observed that the accelerated seniority was made without reference to any statutory Rules, the Government, presumably on the basis of expediency at that point of time, felt that by bringing in a simple amendment to the governing Rule, was the ultimate panacea for the protracted dispute. The Government unfortunately misread the judgment as if grant of accelerated seniority was discountenanced only on the ground that it did not have a statutory backing. The Government least realized that such action taken with undue haste and little application of mind could give rise to another round of challenges by the aggrieved Police Personnel.

16. The Government which had been adopting different policy posturing on the subject matter reflecting poor understanding as above has passed G.O.Ms.No.550, Home (Police - 2) Department, dated 24.07.2013 amending a Special Rules for the Tamil Nadu Police Service as under;

AMENDMENTS

In the said Special Rules,--

1) the existing provision of rule 11 shall be numbered as sub-rule (a);

2) in rule 11, after sub-rule (a), as so numbered, the following sub-rule shall be added, namely:--

(b) The seniority of the officer of any class or category of the service who has been granted accelerated promotion shall be determined with reference to the date of accelerated promotion and the name of such officer shall be placed at the bottom of the seniority list of the respective higher category existing on the date of joining duty in the higher post.

17. By the above amendment, the Government has once again restored accelerated seniority to the accelerated promotees and stirred up the Hornet's nest and opened up a renewed can of worms. The amendment to Rule 11 therefore, inevitably gave rise to a fresh bout of contentions that eventually landed on the lap of this Court for the present adjudication all over again.

18. Originally a batch of Writ Petitions in W.P.Nos.24461 of 2013 etc., were filed and a learned Single Judge of this Court had granted interim stay of the G.O.Ms.No.550 dated 24.07.2013 on 29.08.2013. However, subsequently, the learned Judge vide order dated 27.09.2013 had permitted the Department to fill up the vacancies in the cadre of Additional Deputy Superintendent of Police for giving temporary promotion under Rule 39(a) & (b) of General Rules according to their inter se seniority subject to their eligibility. In fact, the learned Judge had also observed that the accelerated promotees should also be temporarily promoted by creating supernumerary posts provided they satisfied regular seniority, pending disposal of the Writ Petitions. This interim direction was issued by the learned Judge on the submission made on behalf of the Government that in view of the pendency of litigations, many officers who were otherwise eligible to be promoted, could not be promoted and many of them would be retiring without the benefit of promotions in their last stage of career and taking note of the said the said submissions, the above direction was given. However, while giving the said direction, interim stay of G.O.Ms.No.550 dated 24.07.2013 was also made absolute. In fact, the Government, in terms of the interim order dated 27.09.2013, issued G.O.Ms.Nos.771 & 772 Home (Police IA) Department dated 29.09.2013 granting temporary promotions by creating 20

supernumerary posts in the cadre of ADSP. The promotions were granted, subject to the outcome of the Writ Petitions.

19. As a consequence of passing of the above said two Government Orders, different set of Police Personnel, have approached this Court over the years, seeking promotions during the pendency of the Writ Petitions, challenging the G.O.Ms.550 dated 24.07.2013 and directions were also issued by this Court to proceed ahead with the filling up of vacancies without reference to the accelerated promotion and it was made clear that any promotion made would be subject to the result of the pending challenge to G.O.Ms.No.550 dated 24.07.2013. Interim directions were issued dated 21.12.2017 in W.P.Nos.17534 and 18725 of 2013, 12168 of 2015 and 14206 of 2016.

20. The above interim directions passed by a learned single Judge were taken on appeal in W.A.Nos.82 and 83 of 2018 by certain aggrieved individuals. These Writ Appeals were heard and the learned Division Bench of this Court vide its order dated 07.02.2018 disposed of the appeals as under:

"2. In respect of the issue as to whether the incumbents who were part of Special Task Force involved in killing of the notorious forest brigand Veerappan and his gang, and were given 'one stage accelerated promotion' by executive orders, can claim consequential seniority in the accelerated promotional post over their senior lower category and also with regard to the validity of G.O.Ms.No.1396 Home Department dated 03.10.2007, a Division Bench of this Court, earlier, passed a common judgment in W.A.Nos.849 to 854 of 2010, etc.batch, dated 05.04.2013, in which it has been observed as under:-

"139. Conclusion:-

W.A.Nos.849 to 854 and 2066 of 2010:

Accelerated promotion was without reference to the statutory rules or G.O.Ms.No.468, Home, dated 19.3.1996. The appellants and other police personnel were not promoted to the substantive posts but were accommodated by creation of supernumerary posts. Since there was ambiguity over panel position of the accelerated promotees vis-a-vis regular promotees, considering the representation given by the police officers, Government

rightly issued G.O.Ms.No.1396 Home dated 3.10.2007 deleting paragraph No.5(e) in G.O.Ms.No.1252, Home, dated 29.10.2004 and G.O.Ms.No.1346, Home, dated 6.12.2004. Government was well within its powers in deleting Paragraph No.5(e) in G.O.Ms.No.1252, Home, dated 29.10.2004 and G.O.Ms.No.1346, Home, dated 6.12.2004 and clarifying the position by substituting a new one in G.O.Ms.No.1396, Home, dated 3.10.2007 restoring the original seniority. The learned single Judge rightly dismissed the Writ Petitions and we do not find any infirmity in the order of the learned single Judge warranting interference and all the Writ Appeals are dismissed. The order of status quo granted on 2.8.2012 is vacated.

Consequently, the Writ Petitions in W.P.Nos.25736 to 25741 of 2010 are dismissed.

"140. W.P.Nos.17731, 20728 of 2012 and W.P.(MD) No.8911 of 2012: The impugned G.O.Ms.No.332 Home (Pol.1A) Department dated 03.5.2012 had directly dealt with the subject matter pending before the Division Bench sitting over the judgment of the learned single Judge. The grant of stay in Writ Appeals will not confer any right on the Government to pass the impugned G.O. Ms.No.332 Home (Pol.1A) Department dated 03.5.2012 independently and the impugned G.O.Ms.No.332 Home (Pol.1A) Department dated 03.5.2012 is quashed and all these Writ Petitions are allowed. No costs.

Consequently, connected Miscellaneous Petitions in all the Writ Appeals and in all the Writ Petitions shall stand dismissed."

3.The persons who had worked in the task force had been given one time accelerated promotion, irrespective of the cadre. But the earlier Division Bench judgment of this Court, as extracted supra, is to the effect that the original seniority should not be disturbed. In this connection, in the order passed by the learned single Judge which is under challenge in these appeals, a direction was given to the official respondents to proceed ahead to fill up all the vacancies by way of preparing a final seniority list as per the existing Rules,

without reference to the accelerated promotion, with a further observation that the same is subject to the result of the pending writ petitions. According to the learned senior counsels appearing for the appellants in these writ appeals, it is in total negation of the service jurisprudence. However, it is also submitted that some of the persons have been given promotion out of turn, on the basis of the earlier Government Order, wherein they have been given one time accelerated promotion. Further, it is submitted that regular promotions were also given in addition to the accelerated promotion.

4. Since already a view has been taken by the earlier Division Bench of this Court in the judgment made in W.A.Nos.849 to 854 of 2010, etc.batch, dated 05.04.2013, in order to arrive at a conclusion in the matter, either the parties have to challenge the said order passed by the earlier Division Bench before the Hon'ble Apex Court by filing petitions for condoning the delay or they have to approach the Government by way of making representations, seeking to clarify the issue.

5. Thus, these writ appeals are disposed of with a direction to the appellants and the contesting private respondents to approach the Government by making representations and it is for the Government to consider their cases individually in accordance with law and as per the ratio laid down by the Division Bench of this Court in the judgment made in W.A.Nos.849 to 854 of 2010, etc.batch, dated 05.04.2013, as early as possible. Consequently the connected miscellaneous petitions are closed. No costs."

21. As against the orders in the above Writ Appeals, Special Leave Petitions were preferred before the Hon'ble Supreme Court in S.L.P(C) Nos.12257-12258 of 2018. The Hon'ble Supreme Court while dealing with SLPs, was made aware of the fact that the Government, after the Division Bench order of this Court dated 5.4.2013, issued G.O.Ms.No.550 dated 24.07.2013 amending the relevant Rule and by taking this factual development into consideration, disposed of the SLPs on 03.09.2019 as under:

We are not inclined to interfere with the impugned orders but we need not say anything

more for the reason it may cause some prejudice to the petitioners before us. The reason for the same is that while the challenge before us is predicated on the administrative orders, a statutory exercise has now been carried out where Rules have been amended. As to whether those Rules are valid or not is not something for us to debate. If those rules are valid and are upheld the members of the Task Force would be the beneficiary. If those Rules are quashed, naturally, the effects, so far as the one stage accelerated promotion is concerned, would not be available to them in their promoted posts.

The aforesaid position is not really disputed before us by either of the parties.

We thus, consider it appropriate to dispose of these petitions in the aforesaid terms leaving the limited issue to be determined by the High Court in the Writ Petitions pending. As to what could be the consequences of the decision, have also been enumerated by us herein above. The parties are left to bear costs.

At the request of learned counsel for the petitioner(s), we clarify, though we really see no need of it, that the debate on the challenge to the statutory Rules would be made within those parameters as would be applicable to such a challenge.

We may, however, observe that it is open for the petitioners to move for intervention/impleadment in the proceedings pending before the Madras High Court as they would be directly affected by the result. Pending applications stand disposed of."

22. In the light of the above disposal by the Hon'ble Supreme Court of India by directing the aggrieved personnel to approach the High Court for relief, the challenge to GO Ms.No.550 dated 24.07.2013 and the dispute around the G.O. has been brought on to the center stage of consideration of this Court, once again notwithstanding the detailed judgment of the learned Division Bench of this Court in W.A.Nos.849 to 854 dated 05.04.2013, giving quietus to the entire controversy.

23. The contesting parties have been apparently left to re-agitate the issue as to whether the accelerated promotees are

also entitled to accelerated seniority as well on the basis of the present G.O.Ms.No.550 dated 24.07.2013 amending Rule 11 of the Special Rules for the Tamil Nadu Police Service.

24. As a consequence of the above narrative, this Court is now called upon to decide the validity of the impugned G.O.Ms.No.550 dated 24.7.2013. The validity of the said G.O. is required to be examined not only with reference to the governing Rules, but also primarily with reference to the detailed ruling of the Division Bench of this Court in W.A.Nos.849 to 854 of 2010 dated 05.04.2013 and with reference to the legal precedents as to whether through a simple Government Order, a Rule could be amended at all for the purpose of over ruling the judgment of this Court.

25. As stated above, the action of the Government to amend the Rule in 2013, was in pursuance of observation made in the operative portion of the judgment of the learned Division Bench dated 05.04.2013, that the benefit of accelerated seniority was not with reference to any statutory Rule. Therefore, taking lead from that observation of the learned Division Bench, the Government felt that if the Rule was amended, the action of the Government providing accelerated seniority would not suffer from any legal infirmity and the badgering controversy could be put an end to. The issue was otherwise no more res integra in view of the ruling of the learned Division Bench of this Court, upholding the G.O.Ms.No.1396, dated 03.10.2007 and the same would be binding on this Court as well, yet for the limited purpose of examining the action of the Government in adopting a contrived route to nullify the ruling of this Court, this Court has to necessarily open up its vistas to the submissions of the learned counsels appearing for the parties.

26. Rightly or wrongly by bringing in G.O.Ms.No.550 dated 24.07.2013, seeking amendment to the relevant Rule, the entire issue of seniority of the police personnel between the accelerated promotees and the regular promotees has come to the fore again for adjudication. However, while dealing with the present challenge to G.O.Ms.No.550 dated 24.07.2013, this Court cannot take upon itself the adjudication and test the validity of the present impugned action of the Government from the period when the original dispute arose in 2004 when G.O.Ms.No.1252 dated 29.10.2004 was issued followed by subsequent contentious G.O.Ms.No.1396 dated 3.10.2007. The learned Division Bench of this Court has ultimately upheld the G.O.Ms.No.1396 dated 03.10.2007 by its order dated 05.04.2013 in W.A.Nos. 849 to 854 and 2066 of 2010, etc., and in that view of the matter, the action of the Government in issuing the said Government Order

came to be upheld. In fact, the Government, all along supported its policy decision as reflected in G.O.Ms.No.1396 dated 03.10.2007, even when the single Judge upheld the G.O., the Government accepted the position. It did choose to file any appeal against the single Judge's order dated 14.10.2009 upholding the said G.O. In fact, when the Government overturned its decision on its own and introduced G.O.Ms.No.332, Home (Police - A) Department dated 03.05.2012 recalling the G.O.Ms.No.1396, dated 03.10.2007, when the issue was pending consideration before the Division Bench, the Division Bench was displeased with such hasty action of the Government and quashed the G.O.Ms.No.332 Home (Police-A) Department dated 03.05.2012. In fact, as stated earlier the Division Bench has expressed its displeasure that when the issue was pending consideration before it, the Government had no right to pass any order in regard to the subject matter of the lis pending before the Court.

27. It is relevant to mention here, even before the en masse accelerated promotion post 2004, the concept of accelerated promotion could be traced to the earlier G.O.Ms.No.468, Home Department, dated 19.03.1996. The operative portion of the said G.O. contemplating out of turn promotions read as under;

"Professional Achievements:

- 1.Performance of High Order and Exceptional Personal ability in achieving Operational success at Great risk to personal life.
- 2.Professional competency of a very high order in detecting sensational murder, dacoity, robbery and other such cases having ramification in other parts of the country and its successful prosecution.

Sports Achievements:

- 3.Successful performance in the All India Police Duty meet by securing First Rank in scientific aids to investigation, computers, Motor Transport and Revolver and Rifle Shooting.
- 4.Representing the country in the International meets.
- 5.Securing Gold Medal in National/All India Police Meets.
- 6.Creating new National/All India Police Meet Records."

28. In implementation of the above Government Order, the Government had issued instructions dated 27.01.1997, Home Department as to how accelerated promotion to be granted, which instructions read as under;

"I am directed to state that as per the orders issued in G.O.Ms.No.468, Home, dated 19.3.1996 the Board of accelerated promotion will consider the cases for accelerated promotion for both professional achievements and for achievements in sports. For achievements in sports, the Board shall consider the cases on an annual basis and for professional achievements the cases shall be considered as and when occasion arises. As such, the cases for accelerated promotion for professional achievements have to be placed before the Board with full details for its consideration and decision.

2. In this connection, I am to point out that as accelerated promotion cannot be treated as a route affair, the proposals have to be placed before the Board with full details and justification. The proposals received by the Government contain only the names of the Police Officers who were recommended for accelerated promotion and promotion from which rank to which higher rank. As such, I am to request you to send the proposals for accelerated promotion in a Proforma (standard format) containing the following details along with relevant records for examinations of the Government.

- (i) Details regarding the incident/encounter/adventure/event.
- (ii) The No. of Police Personnel involved in the concerned Police team.
- (iii) The role played by each individual duly indicating the performance of High Order and exceptional personal ability in achieving operational success at great risk to personal life done by the individual during the adventure/event.
- (iv) Whether all the police personnel in the team should be given accelerated promotion. It should be based on one's role in the action and the nature of the risk taken by the individual. Being a mere member in the team will not give any right to the officer for accelerated promotion.
- (v) Whether other incentives such as each reward or advance increments/advancing seniority will be sufficient.
- (vi) The service record of the individual and defaulter sheet (as per the said instructions the Police personnel must have blemish free professional record).
- (vii) The relevant rules need to be relaxed in favour

of the individual.

(viii) Service particulars of the individual.

(ix) Justification for accelerated promotion.

(x) The No. of seniors to be over looked if accelerated promotion is to be given to the individual."

29. With reference to the Government Order in G.O.Ms.No.468, Home Department, dated 19.03.1996 and the above instructions, the Single Judge has held that the benefit of accelerated promotions conferred on the Police Personnel involved in the STF operation exterminating forest brigand Veerappan and his gang was without following either the Government Order or the instructions issued thereunder.

30. Confirming the finding of the learned Single Judge, the learned Division Bench has categorically held in paragraph 46 to 48 holding that there was no appraisal of individual merit or acts of bravery as contemplated in G.O.Ms.No.468, Home Department, dated 19.03.1996 and also in conformity with the instructions of the Government dated 27.01.1997. The learned Division Bench infact has extracted the finding of the learned Single Judge and held that there was no reason to take a different view in the matter.

The following paragraphs are extracted hereunder;

"46. The learned single Judge extracted G.O.Ms.No.468, Home, dated 19.3.1996 and also the said letter dated 27.1.1997. In the Writ Court, records relating to accelerated promotion were produced and the single Judge perused the same. Upon perusal of the records, the learned single Judge observed that no individual appraisal of the acts of the bravery was considered either by the Director General of Police or by the Board constituted for such purpose. We may usefully refer to the findings of the learned single Judge on perusal of the records, which reads as under:

"The records have been produced and I have perused the same. From the letter of the Director General of Police dated 22.10.2004 and 25.10.2004 and the minutes of the accelerated promotion committee meeting held on 25.10.2004, it could be seen that there was no such individual appraisals of the acts of bravery was considered either by the Director General of Police or by the Board constituted for such purpose."

We do not find any reason to take a different view.

47. Special Rules for Tamil Nadu Police Subordinate Service apply to the police personnel in the rank of Inspectors of Police, Sub-Inspectors, Head Constable, etc., In Special Rules for Tamil Nadu Police Subordinate Service, there is no provision for grant of accelerated promotion. As per Rule 42 of Special Rules for Tamil Nadu Police Subordinate Service, the provisions of the general rules in Part II of the Tamil Nadu State and Subordinate Service Rules shall apply to the members of service except to the extent expressly provided to the Special Rules for Tamil Nadu Police Subordinate Service. Rule 36(b) (ii) (2) of Tamil Nadu S & SS Rules provided for promotion for conspicuous merit and ability. As discussed infra, accelerated promotion was without reference to any statutory rules.

48. The accelerated promotion awarded to the Special Task Force team was not in accordance with the executive instructions in G.O.Ms.No.468, Home, dated 19.3.1996 and the said Government letter No.133841/Pol.III 96-1, Home, dated 27.1.1997. In this case, admittedly no such twin test of merit and ability was considered. Whether each of the police personnel in S.T.F. team had blemish-free record of service was also not considered. On the other hand, all persons who joined the STF were given one such accelerated promotion irrespective of their individual role played in the STF. Therefore, the other persons viz., the contesting Respondents in these appeals have not chosen to challenge the promotion, may be by considering the same as one time measure like any other reward."

31. Therefore, the accelerated promotions itself were found to be not in order, as there was no individual assessment of conspicuous merit or act of bravery. However, promotions originally made were not disturbed as the learned Division Bench was not called upon to decide the accelerated promotions but was called upon to decide only the accompanying accelerated seniority of the accelerated promotees. However, the finding that the Officials did not follow the procedure, the Division Bench has in fact held that award of promotion itself lacked the procedural fairness. A reference has been drawn in this regard to the observation of the learned Division Bench as found in paragraph 55 of the judgment which is extracted hereunder;

"55. When the accelerated promotions were awarded without reference to any statutory rules, or appraisal of individual's merit and ability, the accelerated promotion awarded lacks procedural fairness. If the procedure adopted by the authority offends the fundamental fairness, suggestive of discrimination, we need to examine as to whether such promotions given to the accelerated promotees would also confer seniority benefit as a matter of right."

32. Before testing the validity of the impugned amendment, this Court may have to appreciate various factual aspects, with reference to the interplay of relevant rules in the matter of subject promotions and the consequential fixation of seniority. The Division Bench of this Court in-extenso has considered the relevant rules and its application and ultimately has come to the conclusion that the grant of accelerated seniority was illegal and cannot be sustained in law. The reference to relevant paragraphs of the finding rendered by the Division Bench is essential in order to understand and appreciate as to how the learned Division Bench has considered the entire gamut of the challenge and the issues and rendered a comprehensive judgment.

33. One of the foremost submissions of the learned Senior counsel Mr.R.Singaravelan and other counsels toeing his line that was put forth against the grant of accelerated seniority was with reference to the Ruling (30-B) of Rule 9 of the Tamil Nadu Government Fundamental Rules which reads as under;

"(30-B) Supernumerary Post means a person oriented post created for a limited period and for a limited purpose to accommodate a person in certain contingencies."

34. According to the learned counsels, the learned Division Bench took note of the crucial facts that when G.O.Ms.No.1252 Home (Police - VIII) Department dated 29.10.2004 was issued granting accelerated promotions, those promotion were effected against 748 supernumerary posts created in various ranks. The Supernumerary posts as defined above is a person oriented post created for a limited period and have a limited purpose. In that consideration of the matter, the learned Division Bench in paragraph 81 to 85 of its judgment has given sound reasons as to how the promotions against the supernumerary posts to be treated. The said paragraphs are extracted hereunder;

"81. Whether accelerated promotees who were given out of turn promotion were absorbed in the substantive posts in the higher rank?

748 supernumerary posts were ordered to be created in order to accommodate those who were accorded accelerated promotion. Supernumerary posts so ordered to be created are person oriented and they shall lapse whenever the incumbent vacates the post on retirement from service or otherwise. Sanction was accorded in G.O.Ms.No.798 Home dated 05.6.2007 for creation of 131 supernumerary posts to accommodate those who were accorded accelerated promotion as under:-

Sl.No.	Name of the Post	No. of Post
1.	Superintendent of Police	2
2.	Additional Superintendent of Police	7
3.	Deputy Superintendent of Police	35
4.	Inspector of Police	87
Total		131

Supernumerary posts were created in their respective cadre at a total expenditure of about 9.83 crores per annum. In Paragraph (6) of the Counter it is averred that "main intention of the Government in creating these supernumerary posts at a huge cost is to avoid the stagnation of further promotions for the seniors of the accelerated promotees in the lower cadre. Due to this, the further promotion and interest of personnel who are senior to the accelerated promotees in the lower cadre are protected and none would be affected".

"82. Supernumerary post is defined in Fundamental Rule-9 (30-B) which reads as under:-

"30-B Supernumerary Post means a person oriented post created for a limited period and for a limited purpose to accommodate a person in certain contingencies."

Thus as per Fundamental Rule-9 (30-B), supernumerary posts are person oriented post created for a limited period.

83. In G.O.Ms.No.798 Home dated 05.6.2007, it is stated that 131 supernumerary posts

sanctioned are person oriented and they shall lapse whenever the incumbent vacates the post on retirement from service or promotion to the next higher rank or otherwise. Since supernumerary posts are person oriented post created for a limited period and since 131 supernumerary posts were created in the promotional position, the arrangement called for relaxation in Fundamental Rule-9 (30-B) in respect of the said 131 supernumerary posts. Considering the request of the Director General of Police for relaxation of Fundamental Rule 9(30-B) in respect of 131 supernumerary posts and in exercise of powers conferred under Rule 5-A of Fundamental Rules, the Government relaxed the definition (30-B) under Fundamental Rule-9 in favour of 133 supernumerary posts as a one measure, subject to the following conditions:-

"(a) No request shall be entertained for fresh creation in future for the above posts once they start getting set off.

(b) A periodical report may be sent to Government by the Director General of Police till the set off of the accelerated promotees against the permanent vacancy either by promotion or by retirement.

(c) At any given point of time the total operating strength including the supernumerary posts in existence shall not exceed the total sanctioned strength in Police Department.

(d) At any given point of time the total operating strength of a particular post should not exceed the total of the sanctioned strength and the authorized supernumerary posts sanctioned by the Government.

(e) The supernumerary posts shall be in existence till the officers concerned vacates the posts on retirement from service or promotion to the next higher rank or otherwise or the date on which the officer concerned would have otherwise got regular promotion and he should be accommodated against the regular vacancy against which he would have otherwise got promoted, whichever earlier.

(f) The vacancies caused due to accelerated promotion may be filled upon on the abolition of corresponding supernumerary posts in the higher rank."

84. In G.O.Ms.No.798 Home dated 05.6.2007, Paragraph 5(e) is relevant to be noted. Paragraph 5(e) contemplates instances/duration till which supernumerary posts shall be in existence. As per Paragraph 5(e), the supernumerary posts shall be in existence:

(i) till the officers concerned vacates the posts on retirement from service;

or

(ii) promotion to the next higher rank; or otherwise;

or

(iii) the date on which the officer concerned would have otherwise got regular promotion and he should be accommodated against the regular vacancy against which he would have otherwise got promoted, whichever earlier.

85. In the said G.O.Ms.No.798 Home dated 05.6.2007 Paragraph 5(f) makes it very clear that the vacancies caused due to accelerated promotion may be filled up on the abolition of corresponding supernumerary posts in the higher rank. Paragraph 5(f) in G.O.Ms.No.798 Home dated 05.6.2007 will clearly show that in respect of accelerated promotees, the post in their respective lower category shall be kept vacant and the same to be filled up only on abolition of the consequential supernumerary posts. The stipulation to keep vacancies caused due to accelerated promotion vacant and that the same has to be filled up only on abolition of the consequential supernumerary posts would clearly show that accelerated promotees retained their position in the substantive post in the lower category."

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35. The above findings of the learned Division Bench would clearly demonstrate that the accelerated promotees had in fact retained their lien in the substantive post in the lower cadre till the promotee vacated the post on his retirement from service or promotion to the next higher cadre. The inevitable conclusion from such action of the Government was that the accelerated promotee could not have enjoyed the benefit of accelerated seniority as well, as admittedly he or she was not borne on the regular cadre in the higher rank.

36. The learned Division Bench while rendering the judgment has dealt with the relevant Rules namely 35(a), 35(aa) and also 36(b)(ii)(2) of the Tamil Nadu State and Subordinate Service Rules which are extracted hereunder;

"35 (a) The seniority of a person in a service, class or category or grade shall unless he has been reduced to a lower rank as a punishment be determined by the rank obtained by him in the list of approved candidates drawn up by the Tamil Nadu Public Service Commission or other Appointing Authority, as the case may be, subject to the rule of reservation where it applies. The date of commencement of his probation shall be the date on which he joins duty irrespective of his seniority.

35(aa) The seniority of a person in a service, class, category or grade shall, where the normal method of recruitment to that service, class, category or grade is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date on which he is appointed to the services, class, category or grade;

Provided that where the junior appointed by a particular method or recruitment happens to be appointed to a service, class, category or grade, earlier than the senior appointed by the same method of recruitment, the senior shall be deemed to have been appointed to the service, class, category or grade on the same day on which the junior was so appointed:

Provided further that the benefit of the above proviso shall be available to the senior only for the purpose of fixing inter-se-seniority:

Provided also that where persons appointed by more than one method of recruitment are appointed or deemed to have been appointed to the service, class, category or grade on the same day, their inter-se-seniority shall be decided with reference to their age.

36(a)...

(b) (i)...

(ii) Promotion according to seniority - All other promotions shall, be made in accordance with seniority unless-

(1) ...

(2) a Member is given special promotion for conspicuous merit and ability."

37. The rival contentions of the parties were that the accelerated promotees were governed by Rule 36(b)(ii)(2) and therefore fixation of seniority cannot be with reference to Rule 35(a) or 35(aa) of the Tamil Nadu State and Subordinate Service Rules. In fact, one of the submissions made was that the seniority need not be followed in case of out of turn promotion for conspicuous merit and ability in terms of the Sub Rule (2) of Rule 36(b)(ii). In this regard, it is useful to refer to the relevant findings of the Division Bench whether accelerated promotions particularly made after the year 2004 that were referable to the above provision, the Division Bench has extracted the learned Single Judge's finding while upholding G.O.Ms.No.1396 Home (Police - 1A) Department, dated 03.10.2007 in paragraph 11, which is extracted hereunder:

"11. Findings of Writ Court - Upon consideration of the rival contentions, learned single Judge dismissed the Writ Petitions holding that:-

Appellants were not promoted to the substantive posts which were available when Government Order was passed, but supernumerary posts were created for them to accommodate accelerated promotees.

The post in question, being a selection post, requires consideration of eligible and qualified persons. Accelerated promotions were granted to chosen individuals.

Accelerated Promotion Board Minutes dated 25.10.2004 does not reveal consideration of each and every individual's acts of bravery.

While according accelerated promotion to police personnel of S.T.F. team, Guidelines issued in G.O.Ms.No.468 dated 19.03.1996 have not been followed.

Government was well within its power in deleting Para 5(e) in G.O.Ms.No.1252 Home dated 29.10.2004 and the impugned G.O.Ms.No.1396 Home dated 03.10.2007 enforces first proviso to Rule 35(aa) of Tamil Nadu State and Subordinate Service Rules and G.O.Ms.No.1396 clarifies the panel position.

38. While confirming the learned Single Judge's finding as above the learned Division Bench has held in paragraphs 70, 71 and 80 upholding the findings of the learned Single Judge on the aspect that the accelerated promotees were not promoted against substantive posts and the promotees had not been assessed individual role with reference to his or her act of bravery. The following paragraphs are extracted hereunder;

"70. A combined reading of all the above definition rules along with proviso to Rule 35 (aa), would undoubtedly show that the contention of the respondents in these writ appeals are correct and justifiable one. The phrase used "junior appointed by a particular method of recruitment" in the proviso is referable only to the initial appointment to the service made by a particular method of recruitment and not to the subsequent promotion viz., the accelerated promotion as in this case. Otherwise, there is no necessity to spell out two types of appointment at two places in the said proviso. Therefore, as the juniors admittedly appointed with the same method of recruitment if promoted earlier than their seniors, who were also appointed by the same method of recruitment, then the seniors shall be deemed to have been appointed to the service on the same day on which the junior was so appointed. To put it simply "appointed by a particular method of recruitment" is relatable to the initial appointment at feeder category and "appointed to a service" is referable to the promoted post. Certainly recruitment and promotion are two different and distinct factors in service law. Recruitment is the stage of entering into service, whereas promotion is a benefit derived in the service. Consequently, as per Rule 35 (aa) the seniors are deemed to have been appointed to the service on the same day on which the juniors were so appointed.

71. First of all, it should not be forgotten that the question of applicability of Rule 35(aa) would arise only when the promotion was made in accordance with Rule 36 (b)(ii)(2). As we have found that the promotion was not made in accordance with rules and it is

not a promotion under Rule 36(b)(ii)(2), consequently, such promotion having been granted outside the purview of the Rules cannot have any consequential benefit of accelerated seniority as well. Even assuming that the promotion was made under Rule 36(b)(ii)(2), then again by applying Rule 35 (aa), the accelerated promotees cannot overlook their seniors to get accelerated seniority in the promoted post.

72. to 79.....

80. Even though in G.O.Ms.No.1396 Home dated 03.10.2007, the accelerated promotion given to the police personnel is stated to be by virtue of General Rule 36(b)(ii)(2) of TNS & SS Rules, the accelerated promotion given is not actually referable to Rule 36(b)(ii)(2). As discussed earlier, the accelerated promotion provided is not referable to any rules, but by means of executive orders. The Government in its own appreciation to the operation, granted accelerated promotion. The accelerated promotion was not based on the individual's role in the action and the nature of the risk taken by the individual. When the promotion was made without reference to any rules, the Appellants and other police personnel cannot claim seniority over their seniors who are regularly promoted after preparation of a panel. The Government decided to motivate the participants of Special Task Force police personnel by giving them cash award and house site in addition to the accelerated promotion in the newly created supernumerary posts in the respective cadres at the total expenditure of Rs.9.83 crores. Main intention of the Government for creating those supernumerary posts at a huge cost was to avoid stagnation of further promotion to the seniors in the lower category of the accelerated promotees. Accelerated promotees were accommodated by creation of supernumerary posts for a limited period.

39. The finding of the learned Division Bench that the accelerated promotions were not referable to any Rule is not open to re-adjudication by this Court, as this Court is bound by the finding. In fact in the opinion of this Court, the very fact the Government has brought in the impugned amendment in Rule 11 of the Special Rules for Tamil Nadu Police Service would

unequivocally establish that the original grant of accelerated seniority prior to G.O.Ms.No.1396, Home (Police - 1A) Department dated 03.10.2007 or after the subsequent Government Order in G.O.Ms.No.332, Home (Police - 1A) Department, dated 03.05.2012 was without the sanction of any Rule.

40. Interestingly when a Single Judge of this Court upheld G.O.Ms.No.1396, Home (Police - 1A) Department dated 03.10.2007 vide order dated 14.10.2009 immediately thereafter the Government in its wisdom, at that point of time issued G.O.Ms.No.227 Home dated 25.02.2010 bringing an Amendment to Rule 25 of the Special Rules for Tamil Nadu Police Subordinate Service. This was referred to by the learned Division Bench and also relevant argument was considered in paragraph 78 & 79 which are extracted hereunder;

"78.Immediately, after issuing G.O.Ms.No.1396 Home dated 03.10.2007, Writ Petitions in W.P.Nos.35716, 36553, 33375, 37136 to 37141 of 2007 and W.P.Nos.8417, 3455, 8855, 3905, 10760, 2939 of 2008 were filed challenging G.O.Ms.No.1396 dated 03.10.2007 and the Writ Petitions were dismissed by the learned single Judge on 14.10.2009. Thereafter, G.O.Ms.No.1396 dated 03.10.2007 was given effect to by amending the Special rules for Tamil Nadu Police Subordinate Service as notified in G.O.Ms.No.227 Home dated 25.2.2010 which reads as under:-

AMENDMENT

In the said Rules, in rule 24, after sub-rule (f), the following sub-rule shall be added, namely:-

"(g) The inter-se-seniority between 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."

79. A feeble attempt was made to contend that by virtue of G.O.Ms.No.227, Home, dated 25.2.2010, the Special Rules for Tamil Nadu Police Subordinate Service was only amended and that the same cannot be construed as an

amendment to Tamil Nadu State and Subordinate Service Rules. It was therefore contended that G.O.Ms.No.227, Home, dated 25.2.2010 would have no bearing on the accelerated promotion given to Deputy Superintendents of Police, whose service conditions are governed by Tamil Nadu State and Subordinate Service Rules. The above contention does not merit acceptance. As discussed earlier, in clear terms, G.O.Ms.No.1396, Home dated 3.10.2007 deleted paragraph No.5(e) of G.O.Ms.No.1252, Home, dated 29.10.2004 and G.O.Ms.No.1346 Home dated 06.12.2004 restoring the original seniority. Therefore, the Appellants cannot harp upon the issuance of Government Order or otherwise."

41. When the impugned amendment was issued by the Government in G.O.Ms.No.550, Home (Police - 2) dated 24.07.2013 no reference is made to the amendment brought into Rule 25 of Special Rules for Tamil Nadu Police Subordinate Service through G.O.Ms.No.227, Home Department dated 25.02.2010. In the absence of any further amendment, the amendment made in 2010 to the Special Rules would still hold the field, which means that as on date there are two principles of seniority operating in the same field and the principles are diametrically opposed to each other, very strangely and quirkily.

42. One other issue which was placed for consideration before the learned Division Bench was with reference to Rule 25 of Tamil Nadu Police Subordinate Service, the learned Division Bench has dealt with Rule 25 in paragraphs 73, 74 & 75 which are extracted hereunder:

"73. The seniority of the police officers of Tamil Nadu Police Service is governed by Tamil Nadu State and Subordinate Service Rules. Seniority of the Officers in the cadre of Inspectors, Sub-Inspectors of Police, Grade I Police Constables and Police Constables is governed by Rule 25 of Special Rules for Tamil Nadu Police Subordinate Service. Rule 25 of Special Rules for Tamil Nadu Police Subordinate Service reads as under:-

"Rule 25. Seniority:

(a) The seniority of a person in any class or category of the service shall, unless he has been reduced to a lower rank as a punishment, be determined by the rank obtained by him in the list of approved candidates drawn up by the

appointing authority, subject to the rule of reservation where it applies. The date of commencement of his probation shall be the date on which he joins duty irrespective of his seniority unless he has been appointed temporarily under sub rule (d) of rule 10 or sub rule (b) of rule 15 as the case may be."

74. The question of fixing seniority for Additional Superintendent of Police or any other cadre of Tamil Nadu Police Service has to be in accordance with General Rule 35(a) and Rule 35 (aa). In the case of Inspectors of Police, Sub-Inspectors of Police, Head Constables, etc., the seniority has to be in accordance with Rule 25 of Special Rules for Tamil Nadu Police Subordinate Service.

75. Officers in the cadre of Tamil Nadu Police Service and other officers are thus governed by statutory rules viz., Tamil Nadu State and Subordinate Service Rules and Special Rules for Tamil Nadu Police Subordinate Service. The executive orders issued in G.O.Ms.No.1252 Home dated 29.10.2004 and G.O.Ms.No.1346 Home dated 06.12.2004 did not clearly indicate the panel position of accelerated promotees. The reason being as per Para 5(e), the accelerated promotees were placed at the bottom of the seniority list of the respective category by creation of supernumerary posts. There is no rule available in the Special Rules for Tamil Nadu Police Service or among other statutory rules for giving consequential seniority to the accelerated promotees among the police personnel. Giving consequential seniority to the accelerated promotees will give rise to the situation of reduction in the rank of their seniors and the same is contrary to General Rule 35.

43. In fact, one of the challenges presently before this Court was that the Government has failed to bring a corresponding amendment to the Special Rules for Police Subordinate Service in line with G.O.Ms.No.550 Home (Police - 2) Department, dated 24.07.2013 in W.P.Nos.8596, 13345 & 12719 of 2020. From the above, it could be seen that in all fours the

learned Division Bench has examined the varying policy decisions of the Government. In fact the learned Division Bench has commented that on behalf of the Government no counter affidavit was filed as a response to the challenge to G.O.Ms.No.332 Home (Pol.1A) Department, dated 03.05.2012 in paragraph 109 of the judgment. The Government, as a consequence of its see-saw policy make over at that time supported the claim of the accelerated promotees, notwithstanding the fact that the first Government had not chosen to file any appeal against the judgment of the learned Single Judge dated 14.10.2009 upholding G.O.Ms.No.1396 Home (Pol.1A) Department dated 03.10.2007 and second no counter affidavit was filed meeting the objections to the impugned G.O.Ms.No.332 dated 03.05.2012. The Division Bench has however examined the validity of G.O.Ms.No.332 Home (Pol.1A) Department, dated 03.05.2012 which was issued during the pendency of the lis before the Bench.

44. In consideration of correctness of the passing of the above G.O., the learned Division Bench has ultimately held G.O.Ms.No.332 Home (Pol.1A) Department dated 03.05.2012 suffered from patent illegality, as the same was passed without any competency. As stated earlier, the learned Division Bench has also expressed its displeasure over indiscreet and hasty action of the Government in passing the G.O. without even waiting for the decision in the writ appeals.

45. While examining the validity of the G.O.Ms.No.332 Home (Pol.1A) Department dated 03.05.2012, the learned Division Bench has in fact gone into the issue whether it was open to the Government to take any policy decision undermining the ruling of this Court in paragraphs 122, 123, 132 to 137 of the judgment which are extracted hereunder;

"122. When the impugned G.O. had directly dealt with the subject matter pending before the Division Bench and canceled Para 5(e) and restored the original Para 5(e), such action is undoubtedly amounting to sitting over the judgment of the learned single Judge as well. It is relevant to note, at this juncture, that the Government has not chosen to file any writ appeal as against the order of the learned single Judge. Such action of indirectly nullifying the order of the learned single Judge cannot withstand the scrutiny of law, even though the same was made subject to the result of the writ appeals.

123. No doubt, the legislature has got enormous power to nullify a judgement by making a legislation

or legislative amendments. Here, it is not the case of making any amendment to the legislation. The impugned G.O. is purely an executive order. Therefore, in our considered view, the impugned G.O. passed by the Government is undoubtedly an overreaching act which cannot be justified on any ground. Merely by stating that the G.O. was passed subject to the result of writ appeals will not make the said G.O. either valid or workable one.

124.... to 131.....

132. Further, while considering the question of legislative competence, the Hon'ble Supreme Court in a decision reported in A.Manjula Bhashini and others Vs. Managing Director, Andhra Pradesh Woemen's Cooperative Finance Corporation Limited and Another (2009) (8) SCC 431) at paragraphs 67 and 68 had held as follows:-

"67.The distinction between legislative and judicial functions is well known. Within the scope of its legislative competence and subject to other constitutional limitations, the power of the legislature to enact laws is plenary. In exercise of that power, the legislature can enact law prospectively as well retrospectively. The adjudication of the rights of the parties according to law enacted by the legislature is a judicial function. In the performance of that function, the court interprets and gives effect to the intent and mandate of the legislature as embodied in the statute. If the court finds that the particular statute is ultra vires the power of legislature or any provision of the Constitution, then the same can be struck down.

68. It is also well settled that the legislature cannot by bare declaration, without anything more, directly overrule, reverse or override a judicial decision. However it can, in exercise of the plenary powers conferred upon it by Articles 245 and 246 of the Constitution, render a judicial decision ineffective by enacting a valid law fundamentally altering or changing the

conditions on which such a decision is based. "

133. Likewise, in another decision reported in Govt. of A.P and Others Vs.G.V.K.Girls High School (2000) (8) SCC 370), the Hon'ble Supreme Court at paragraph 30 held as follows:-

"30. Now Section 2 of Act 34 of 1995 also purports to nullify the effect of the judgment of the learned Single Judge. It is well settled that the legislature cannot overrule a judgment by passing a law to that effect unless it removes the basis of the legal rights upon which the judgment is based with retrospective effect and provided there is no violation of any constitutional provision in such withdrawal of rights retrospectively. "

134. A perusal of the above said decisions of the Apex Court would show that legislature cannot assume power of adjudicating a case by enactment of law, without leaving to the judiciary to decide the law in force. It is also observed therein that the legislature is also incompetent to over rule the decision of a Court without properly removing the base on which the judgment is founded. It is further observed that the legislature by a mere declaration without anything more cannot directly over rule, reverse or override a judicial decision. The legislature can render a judicial decision ineffective by enacting a valid law within its legislative field fundamentally altering or changing its character retrospectively. Thus, the power of legislature to enact the law is always there, only when such power is exercised as conferred upon it by Articles 245 and 246 of the Constitution of India. But without resorting to make any such legislative exercise, the Government cannot overrule or nullify a decision of the Court by passing an executive order. If any such attempt is made it is nothing but an overreaching and incompetent action liable to be struck down at the threshold.

135. The Division Bench of our High Court, in a recent decision in the matter of Uniform System of School Education reported in 2011(4) CTC 801 (K.Shyam

Sunder Vs. The State of Tamil Nadu), while considering the issue with regard to the policy decision of Government, found the action of the Government as exceeding its power by bringing an Amendment Act especially when the validity of the parent Act was upheld by the earlier Division Bench and confirmed by the Hon'ble Supreme Court.

136. The above said order of the Division Bench was challenged before the Hon'ble Supreme Court. In its decision reported in State of Tamil Nadu and others Vs. K. Shyam Sunder and Others ((2011) 8 SCC 737), the Hon'ble Apex Court considered the said issue with regard to change of policy of the Government with the change of the Government, and held at paragraphs 31 to 35, as follows:-

" 31. The Government has to rise above the nexus of vested interests and nepotism and eschew window-dressing. "The principles of governance have to be tested on the touchstone of justice, equity, fair play and if a decision is not based on justice, equity and fair play and has taken into consideration other matters, though on the face of it, the decision may look legitimate but as a matter of fact, the reasons are not based on values but to achieve popular accolade, that decision cannot be allowed to operate#. (Vide: Onkar Lal Bajaj etc. etc. v. Union of India & Anr. etc. etc., AIR 2003 SC 2562).

32. In State of Karnataka & Anr. v. All India Manufacturers Organisation & Ors., AIR 2006 SC 1846, this Court examined under what circumstances the government should revoke a decision taken by an earlier Government. The Court held that an instrumentality of the State cannot have a case to plead contrary from that of the State and the policy in respect of a particular project adopted by the State Government should not be changed with the change of the government. The Court further held as under:-

"It is trite law that when one of the contracting parties is State within the

meaning of Article 12 of the Constitution, it does not cease to enjoy the character of "State" and, therefore, it is subjected to all the obligations that "State" has under the Constitution. When the State's acts of omission or commission are tainted with extreme arbitrariness and with mala fides, it is certainly subject to interference by the Constitutional Courts." (Emphasis added)

33. While deciding the said case, reliance had been placed by the Court on its earlier judgments in *State of U.P. & Anr. v. Johri Mal*, AIR 2004 SC 3800; and *State of Haryana v. State of Punjab & Anr.*, AIR 2002 SC 685. In the former, this Court held that the panel of District Government Counsel should not be changed only on the ground that the panel had been prepared by the earlier Government. In the latter case, while dealing with the river water-sharing dispute between two States, the Court observed thus:

"in the matter of governance of a State or in the matter of execution of a decision taken by a previous Government, on the basis of a consensus arrived at, which does not involve any political philosophy, the succeeding Government must be held duty-bound to continue and carry on the unfinished job rather than putting a stop to the same."

34. In *M.I. Builders Pvt. Ltd. v. V. Radhey Shyam Sahu & Ors.*, AIR 1999 SC 2468, while dealing with a similar issue, this Court held that Mahapalika being a continuing body can be estopped from changing its stand in a given case, but where, after holding enquiry, it came to the conclusion that action was not in conformity with law, there cannot be estoppel against the Mahapalika.

35. Thus, it is clear from the above, that unless it is found that act done by the authority earlier in existence is either contrary to statutory provisions, is unreasonable, or is against public interest, the State should not change its stand merely

because the other political party has come into power. Political agenda of an individual or a political party should not be subversive of rule of law. (emphasis supplied).

137. There may be change of seat in power. But the Government does not change. Hence, the submission made earlier before the learned single Judge by supported pleadings, cannot be projected as invalid submissions or pleadings, especially when a decision came to be made based on those submissions and pleadings. Government cannot withdraw or alter those pleadings as they formed part of the court order. The present stand taken, just opposite to the earlier one cannot be justified under the guise of policy decision. A decision followed by action, tested before the Court, can never continue to be the policy matter of the Government. The Government cannot blow hot and cold before the Court in the same matter one at the stage of the writ petition and another at the stage of writ appeals. If that is permitted, the judicial process will find it difficult in rendering substantial justice to the party litigants. Needless to say that the Government is also a party litigant before the Court, no doubt a biggest litigant.

46. The learned Division Bench in the above extracted paragraphs, has relied on most relevant decisions of the Hon'ble Supreme Court to hold that it is not open to the Government to nullify the law laid down by the Courts, by a simple act of passing an executive order, as if the ruling of this Court is amenable to the executive fiat. In the light of the above legal scenario, this Court is inclined to hear arguments touching upon the kernel of the issue, namely, challenge to the G.O.Ms.No.550 dated 24.07.2013 amending Rule 11, providing the so called statutory support to the grant of accelerated seniority for the Police Personnel covered by the Special Rules for the Tamil Nadu State Police Service.

47. Mr.R.Singaravelan, learned Senior counsel who claims to have been associated with the controversy from the beginning, appearing for one set of police personnel advanced his arguments, supported by the learned counsels, Mr.Balan Haridass, Mr.G.Sankaran and few other learned counsels. The learned counsels supporting the learned Senior counsel have chipped in their submissions advancing their respective points of view.

48. On the other side, learned Addl. Advocate General, Mr.P.H.Aravind Pandian, learned Additional Advocate General Mr.S.R.Rajagopalan assisted by Mr.R.Vijayakumar, learned Addl. Government Pleader and Mr.Xavier Arul Raj, learned Senior counsel and Mr.S.Prabakaran, learned Senior counsel and Mr.AR.L.Sunderasan, learned Senior counsel made their respective submissions.

49. At the outset, this Court's attention is drawn to the draft amendment to the Special Rules for Tamil Nadu Police Service in exercise of the power conferred by proviso to Article 309 of the Constitution of India. The proposed amendment as it reads is once again extracted under:

"(b) The seniority of the officer of any class or category of the Service who as been granted accelerated promotion shall be determined with reference to the date of accelerated promotion and the name of such officer shall be placed at the bottom of the seniority list of the respective higher category existing on the date of joining duty in the higher post."

50. According to the learned Senior counsel Mr.R.Singaravelan, the said amendment suffers from want of legislative competence for the simple reason that the impugned amendment was not premised on any definite objects and reasons, the Government was seeking to achieve. A bald amendment of this nature without disclosing any object or reason and without removing the essence of the detailed legal findings by the learned Division Bench rendered in its judgment in W.A.Nos.849 to 854 of 2010 dated 05.04.2013 is ex facie illegal and unsustainable in law. In this regard, the learned counsel would draw the attention of this Court to the relevant observation of the learned Division Bench judgment, as to the legislative competence of overruling the judgment of the Courts. The Division Bench has referred to the legal principles laid down by the Hon'ble Supreme Court of India in Paragraphs 132 to 136 (extracted supra). According to the learned Senior counsel and other counsels supporting him would contend that the Division Bench ruling on this legal aspect while striking down G.O.Ms.No.332 dated 03.05.2012 is sufficient enough to hold that the impugned amendment is unconstitutional and bad in law.

51. The counsels further added that in the face of the above categorical legal findings of the learned Division Bench, by a bare amendment, the Government cannot overrule or override a

judicial decision, without conforming to the principles enunciated in Articles 245 and 246 of the Constitution of India. It is preposterous action on the part of the Government in attempting to overrule or nullify the decision of the Court, without removing the basis on which the ruling of this Court was premised. In this case, the Government has not come forward with any policy declaration nor has stated any objects and reasons behind such proposed amendment. The learned counsels further submitted that the Government if allowed to overrule the judicial decisions rendered on detailed consideration of the lis through a simple amendment, the separation of power envisaged in the constitutional scheme would be imperilled and the primacy of the judicial decisions in interpretation of the State action would be undermined. This Court in the bargain is called upon to test the validity of the present stand alone amendment in complete isolation without reference to the application of certain other rules governing the accelerated promotions in various ranks of Police. If judicial decisions can be undone with such simplistic amendment, then every decision of the Courts would face the prospects of being undone and momentous place of the judiciary in the constitutional scheme, would suffer dilution of its reach and its constitutional status. The learned counsels referred to the amendment proposed through G.O.Ms.No.550 dated 24.07.2013 where nothing is whispered in support of the amendment and such bald amendment can never held to be valid under any circumstances.

52. In fact, Mr.S.Prabhakaran, learned Senior Counsel and few other counsels appeared supporting the impugned amendment relied upon various paragraphs of the Division Bench order. In fact, the learned Senior Counsel has also referred to an order passed by this Court in consideration of a Police Officer's claim and a direction was given to grant accelerated promotion to the Officer along with the seniority. That order was passed on the basis of those facts of the case, but as far as the accelerated seniority is concerned, this Court has not pronounced any definite decision, with reference to various provisions of relevant Rules. In any event, this Court is ultimately bound by the decision of the Division Bench and therefore, reliance placed on this Court's earlier order is of no aid to the submission made by the Senior Counsel.

53. Mr.Kalaichelvan, learned counsel appeared, relied on two decisions AIR (2003) SCC 2236 and AIR (2003) 9 SCC 92 in the case of State of H.P. & others Vs. Yash Pal Garg & others batch dated 30.04.2003. According to the learned counsel, the above two decisions would support the legal position that the Government can bring in amendment through executive action.

However, this Court finds that the two decisions relied on by the learned counsel do not advance any iota of his case. On the other hand, those two decisions support the case of challenge to the impugned amendment declaring that the decision of the Court has binding effect, unless the very basis upon which it is given, if so altered that the said decision would not have been given in the changed circumstances. Therefore, this Court has to take those two decisions also into consideration as a supportive legal precedents for the purpose of enhancing the strength of challenge to the impugned Government Order.

54. Further there is another important legal dimension to be appreciated as to the legality of the impugned amendment. The accelerated promotees were admittedly accommodated against the supernumerary posts and formed a class outside the regular cadre. As rightly contended by Mr.R.Singaravelan, learned Senior Counsel as to the application of Ruling 30-B of Rule 2 of the Fundamental Rights when a post is created for a limited period and purpose, the question of enjoying any seniority for that period does not arise at all. In the opinion of this Court, when promotions were ordered against supernumerary posts created for special consideration, grant of seniority also along with promotion would be antithesis to the fundamental principles of service jurisprudence. In fact, this aspect was also categorically and clearly held by the Division Bench in Paragraph Nos.83 to 85 which have been already extracted supra.

55. Moreover, it is an admitted position that after the learned Single Judge order was passed upholding G.O.Ms.No.1396 dated 03.10.2007 by order dated 14.10.2009, the Government has amended special rules for Tamil Nadu Subordinate Service by G.O.Ms.No.237, Home Department, dated 25.02.2010 which amendment was also referred to by the learned Division Bench and also extracted supra. That amendment which changed the Rule by giving effect to G.O.Ms.No.1396, dated 03.10.2007 is still in force. In that view of the matter, today there are two opposing policies of the Government in operation, one is saying 'No' and another is saying 'Yes' to the accelerated seniority. Such a glaring and unalloyed contradictions in the policy framework of the Government, do not certainly instill confidence or inspiration as to the fairness and good faith of the Government in bringing about the present amendment. In having two opposing principles of seniority operating at the same time the Government appeared to be unpretentious and unmasked on its policy oscillation.

56. Further the Division Bench has also thoroughly examined the interplay of Rules in connection with the subject matter and found that none of the Rules had authorized conferment of

accelerated seniority. Infact, according to this Court even Rule 36(a)(ii)(2) of Tamil Nadu State and Subordinate Service Rules which contemplate special promotion for conspicuous merit and ability does not clarify that promotion under the said provision would carry accelerated seniority also. In fact arguments were advanced by some counsels before the learned Division Bench that once the above Rule makes exemption to the seniority of the Police Personnel, such of those Police Personnel who have been granted accelerated promotion would automatically be entitled to have their seniority fixed on the basis of their promotion and joining the next higher posts ahead of the regular promotees. This Court in fact is unable to persuade itself that if that was the understanding of the Rule, there was no need to bring in the present impugned amendment at all. On the other hand, the learned Division Bench has clearly held that the accelerated promotion itself was without any reference to the statutory Rule in paragraph 47 of the judgment.

57. As could be seen in the learned Division Bench judgment, when the Bench was considering the validity of the action of the Government in passing G.O.Ms.No.332, Home Department, dated 03.05.2012, pending the 'lis', the learned Division Bench in-extenso has considered various judgments of the Hon'ble Supreme Court which have been extracted supra. Apart from that, the learned counsel Mr.Balan Haridas would rely on two judgments of the Hon'ble Supreme Court, with reference to the Constitutional principles to be followed in matters of overruling decisions of the Courts.

(i) C.A.Nos.5168 of 1998 etc., batch, Welfare Association & another Vs. Rajit P.Gohil & others dated 18.02.2003 reported in (2003) 9 SCC 358. He would refer to paragraph 47 of the judgment of the Hon'ble Supreme Court. In the said paragraph, the Hon'ble Supreme Court has laid down certain principles to be maintained among the powers of the legislature, executive and judiciary. The paragraph 47 of the principles laid down is extracted hereunder;

"47. In Indian Aluminium Co. and Others Vs. State of Kerala and Others, (1996) 7 SCC 637, the Government of Kerala issued a statutory order levying surcharge on electricity. The order was declared by the court to be ultra vires followed by a direction to refund the amount collected thereunder. The State Legislature introduced a Validating Act, which was impugned unsuccessfully before the High Court as also this Court. This Court laid down the following tests for judging the validity of the Validating Act: (i) whether the Legislature enacting the Validating Act

has competence over the subject-matter; (ii) whether by validation, the Legislature has removed the defect which the court had found in the previous law;

(iii) whether the validating law is inconsistent (sic consistent) with the provisions of Part III of the Constitution. If these tests are satisfied, the Act can with retrospective effect validate the past transactions which were declared to be unconstitutional. The Legislature cannot assume power of adjudicating a case by virtue of its enactment of the law without leaving it to the judiciary to decide it with reference to the law in force. The Legislature also is incompetent to overrule the decision of a court without properly removing the base on which the judgment is founded. The court on a review of judicial opinion, proceeded to lay down the following principles among others so as to maintain the delicate balance in the exercise of the sovereign powers by the Legislature, Executive and Judiciary :-

"(i) in order that rule of law permeates to fulfil constitutional objectives of establishing an egalitarian social order, the respective sovereign functionaries need free play in their joints so that the march of social progress and order remains unimpeded;

(ii) in its anxiety to safeguard judicial power, it is unnecessary to be overzealous and conjure up incursion into the judicial preserve invalidating the valid law competently made;

(iii) the court, therefore, needs to carefully scan the law to find out: (a) whether the vice pointed out by the court and invalidity suffered by previous law is cured complying with the legal and constitutional requirements; (b) whether the Legislature has competence to validate the law; (c) whether such validation is consistent with the rights guaranteed in Part III of the Constitution;

(iv) the court does not have the power to validate an invalid law or to legalise impost of tax illegally made and collected or to remove the norm of invalidation or provide a remedy. These are not judicial functions but the exclusive province of the Legislature.

Therefore, they are not encroachment on judicial power;

(v) in exercising legislative power, the Legislature by mere declaration, without anything more, cannot directly overrule, revise or override a judicial decision. It can render judicial decision ineffective by enacting valid law on the topic within its legislative field fundamentally altering or changing its character retrospectively. The changed or altered conditions are such that the previous decision would not have been rendered by the court, if those conditions had existed at the time of declaring the law as invalid..... It is competent for the Legislature to enact the law with retrospective effect;

(vi) the consistent thread that runs through all the decisions of this Court is that the Legislature cannot directly overrule the decision or make a direction as not binding on it but has power to make the decision ineffective by removing the base on which the decision was rendered, consistent with the law of the Constitution and the Legislature must have competence to do the same."

(ii) C.A.No.3545 of 2009, Union of India & others Vs. Exide Industries Limited & another reported in (2020) 5 SCC 274 dated 24.04.2020. The learned counsel would draw the reference to Paragraph Nos.47 to 50 which are extracted hereunder;

"47. It is no doubt true that the legislature cannot sit over a judgment of this Court or so to speak overrule it. There cannot be any declaration of invalidating a judgment of the Court without altering the legal basis of the judgment as a judgment is delivered with strict regard to the enactment as applicable at the relevant time. However, once the enactment itself stands corrected, the basic cause of adjudication stands altered and necessary effect follows the same. A legislative body is not supposed to be in possession of a heavenly wisdom so as to contemplate all possible exigencies of their enactment. As and when the legislature decides to solve a problem, it has multiple solutions on the table. At this stage, the Parliament exercises its legislative wisdom to shortlist the most desirable solution and enacts a law to that effect. It is in the nature of a 'trial and error' exercise and we must note that a lawmaking body, particularly in statutes of fiscal nature, is duly empowered to undertake such an exercise as long as the concern of legislative competence does not come into

doubt. Upon the law coming into force, it becomes operative in the public domain and opens itself to any review under Part III as and when it is found to be plagued with infirmities. Upon being invalidated by the Court, the legislature is free to diagnose such law and alter the invalid elements thereof. In doing so, the legislature is not declaring the opinion of the Court to be invalid.

48. In *Welfare Association. A.R.P., Maharashtra and Anr. vs. Ranjit P. Gohil and Ors.*¹⁷, this Court relied upon *Indian Aluminium Co. and Ors. vs. State of Kerala and Ors.*¹⁸ and upon elaborate analysis, laid down certain principles to preserve the delicate balance of separation of powers and observed thus:

"47. ... (v) in exercising legislative power, the legislature by mere declaration, without anything more, cannot directly overrule, revise or override a judicial decision. It can render judicial decision ineffective by enacting valid law on the topic within its legislative field fundamentally altering or changing its character retrospectively. The changed or altered conditions are such that the previous decision would not have been rendered by the court, if those conditions had existed at the time of declaring the law as invalid.... It is competent for the legislature to enact the law with retrospective effect;

(vi) the consistent thread that runs through all the decisions of this Court is that the legislature cannot directly overrule the decision or make a direction as not binding on it but has power to make the decision ineffective by removing the base on which the decision was rendered, consistent with the law of the Constitution and the legislature must have competence to do the same."

49. The Court then relied upon *State of Tamil Nadu vs. Arooran Sugars Ltd.*¹⁹ to reaffirm the point and noted thus:

"48. In *State of Tamil Nadu v. Arooran Sugars Ltd.*, the Constitution Bench made an exhaustive review of all the available

decisions on the point and summed up the law by holding: "It is open to the legislature to remove the defect pointed out by the court or to amend the definition or any other provision of the Act in question retrospectively. In this process it cannot be said that there has been an encroachment by the legislature over the power of the judiciary. A court's directive must always bind unless the conditions on which it is based are so fundamentally altered that under altered circumstances such decisions could not have been given. This will include removal of the defect in a statute pointed out in the judgment in question, as well as alteration or substitution of provisions of the enactment on which such judgment is based, with retrospective effect."

50. In *Indian Aluminium Co. (supra)*, the Court relied upon a set of authorities and extended its approval to the above stated position of law thus:

"41. ... A Constitution Bench of this Court had held that the distinction between legislative act and judicial act is wellknown. The adjudication of the rights of the parties is a judicial function. The legislature has to lay down the law prescribing the norms or conduct which will govern the parties and transactions to require the court to give effect to that law. Validating legislation which removes the norms of invalidity of action or providing remedy is not an encroachment on judicial power. Statutory rule made under the proviso to Article 309 was upheld. The legislature cannot by a bare declaration without anything more, directly overrule, reverse or override a judicial decision at any time in exercise of the plenary power conferred on the legislature by Articles 245 and 246 of the Constitution. It can render a judicial decision ineffective by enacting a valid law on a topic within its legislative field, fundamentally altering or changing with retrospective, curative or nullifying effect,

the conditions on which such a decision is based. In *Hari Singh and Ors. v. The Military Estate Officer*, (1973) 1 SCR 515, prior to 1958 two alternative modes of eviction under Public Premises Act were available. When the eviction was sought of an unauthorised occupant by summary procedure the constitutionality thereof was challenged and upheld. The Act was subsequently amended in 1958 with retrospective operation from September 16, 1958. Thereunder only one procedure for eviction was available. It was contended to be a legislative encroachment of judicial power. A Bench of three Judges held that the legislature possessed competence over the subject matter and the Validation Act could remove the defect which the court had found in the previous case. It was not the legislative encroachment of judicial power but one of removing the defect which the court had pointed out with a deeming date." (emphasis supplied)

58. From the above principles, it could be seen that how the legislative power needs to be exercised, if a decision of the Court is to be annulled while implementing the policies of the Government.

59. The above ruling of the Hon'ble Supreme Court would have to be applied to the cases on hand squarely. The rule which was framed under Article 309 of the Constitution of India whether could be subjected to an amendment by exercising its executive power under Article 162 of the Constitution and the same is permissible at all, is another issue. Be that as it may, without going into the validity of the power exercised by the State under Article 162, this Court in the circumstances of the case can independently examine, even assuming that such power is available whether the power has been properly exercised or not, in this case on the face of the amendment itself.

60. The impugned action is completely silent about what is the object and reasons of the policy of the Government for bringing about an amendment to the Rule. When the issue which was the subject matter of the impugned amendment was a lis before this Court and the Division Bench found that grant of accelerated seniority was improper and impermissible, the Government cannot over-rule the judgment by a simple amendment. As rightly argued by learned Senior Counsels / Counsels, without

removing the essence and the basis of the judgment, how can the Government come up with an off handed amendment and set-aside the well considered judgment. In the opinion of this Court such cavalier approach by the Government to the important issue tantamount to caricaturing its constitutional power vested in the State under Article 162 of the Constitution of India.

61. This Court finds it incomprehensible and is unable to appreciate as to how the Government could even think of overruling the judgment of this Court in the manner as adopted and seek to remove the primacy of the Constitution Court as a final arbiter of interpretation of laws. The Government by coming up with a contrived remedy ostensibly on the basis of the ill advised cursory amendment has eventually proved to be proverbial remedy becoming worse than the disease itself.

62. It is trite in law to hold that it is the prerogative of the legislature to amend the existing Rules in furtherance of the policies of the Government, but at the same time the manner and procedure adopted while bringing in an amendment cannot escape from the judicial review of the Constitution Court. Any act or amendment has to be tested on the touch tone of its Constitutionality and its conformity to the law declared under Article 141 of the Constitution of India. The decisions relied on by the learned Division Bench while dealing with the validity of the G.O.Ms.No.332, Home (Police - 1A) Department, dated 03.05.2012 and the decisions relied on by the learned Counsel Mr.Balan Haridas, would only lead to an inexorable conclusion that the impugned amendment cannot be countenanced in law at all and hence G.O.Ms.No.550 Home (Police - 2) Department dated 24.07.2013 is liable to be set aside.

63. From the narrative thus far, it could be seen that the Government has been inconsistent, unable to come up with a neutral policy even as on date. When the policies were conceived and implemented on the basis of expediencies, surrendering the overall interest of the department, the policy becomes too vulnerable and susceptible to judicial interference. Particularly, in this dispute it is the Government that has been shifting sides which was in fact commented by the learned Division Bench also. Even till the end, when these writ petitions are before this Court for adjudication, the Government has not formulated any definite policy as to which side it should support in tune with the law of the land. A classic and a live example as to how the Government could adopt two diametrically opposite positions notwithstanding the impugned amendment proposed by the Government way-back in 2013, as one Additional Advocate General representing the State Government

supported the amendment and another Additional Advocate General representing the same Government opposed the amendment. In one of the writ petitions filed by Mr.A.Babu and others in W.P.No.8596 of 2020, a detailed counter affidavit has been filed. The said writ petition is filed by the Police Personnel belonging to Sub Inspector Category praying for similar amendment like G.O.Ms.No. 550, Home (Police-II) Department, dated 24.07.2013 in the Special Rules for Police Subordinate Service.

64. Fr.Xavier Arul Raj, learned Senior Counsel appeared in the above writ petition along with other three writ petitions in W.P.Nos.12719 of 2020, 13345 of 2020 & 14302 of 2020. According to the learned Senior Counsel representing the category of Sub-Inspector of Police, that similar amendment ought to be introduced in Special Rules for Tamil Nadu Police Subordinate Service as well, since these Police Personnel governed by the said Rules are also aggrieved by the ruling of the learned Division Bench against their interests. The learned Senior counsel has relied on a decision reported in 2007 (11) SCC 528 in the case of Government of Andhra Pradesh & another Vs. G.Jaya Prasad Rao & others dated 21.03.2007. In that case Hon'ble Supreme Court has upheld the classification based on outstanding work and further held that mere fact that the provision may be misused in the individual case does not render the classification invalid. The learned Senior counsel therefore submitted that the classification needs to be dismembered on a case to case basis and appreciated but cannot hold the accelerated promotion in its entirety, as illegal.

65. This Court is not convinced with the argument by the learned Senior counsel for the reason that the decision was rendered in the context of Andhra Pradesh Police (Civil) Service Rules, 1998 and also with reference to the certain Government Orders issued under the Rules. But as far as the present case is concerned, as already stated that the Division Bench has found that the accelerated promotion itself was not referable to any Rule, much less grant of accelerated seniority. However, in view of this Court holding that the impugned amendment is unconstitutional and therefore, the same being set aside, these writ petitions have also inevitably to meet the same fate.

66. Paradoxically resisting the claim of the petitioners in Writ Petition in W.P.No.8596 of 2020 the Government has taken stand as disclosed in Paragraph Nos.19 to 21 which are extracted hereunder, exposing its volte face on the issue once again.

"19. With regard to ground (e) of the affidavit, it is submitted that the contentions herein made by the petitioners are wrong and misleading. The inter-se seniority between regular promotees and accelerated promotees are being fixed as per G.O.Ms.No.1396, Home dated 03.10.2007 which was upheld by this Hon'ble Division Bench in their order dated 05.04.2013 in W.A.Nos.849 to 854 of 2010 and others. According to the said G.O., the petitioners have not reached the zone of consideration for inclusion of their names in the 'C' list of Sub Inspectors of Police (Taluk) fit for promotion as Inspector of Police (Taluk) for the year 2019-2020. The petitioners' seniority has to be maintained along with their batch mates in their lower rank as per G.O.Ms.No.1396, Home (Police - 8) Department, dated 03.10.2007. Their batch mates in their lower rank have not been promoted as Sub Inspector of Police even up to the year 2016. Hence, the Sub Inspectors of Police recruited/promoted during the year 2008 were included in the 'C' list for the year 2019-2020, totaling 311 Sub Inspectors of Police have been included in the 'C' list. Out of the 311 Sub-Inspectors of Police (Taluk) included in the above 'C' list, 128 Sub Inspectors have already been promoted as Inspectors of Police (Taluk) vide various orders.

20. It is further submitted that the petitioners herein are taking advantage and trying to exploit the awards and rewards scheme created to encourage the meritorious service of Personnel. The plea of accelerated seniority will result in multiple promotion among the cadre, that too from the supernumerary posts created for the petitioners, that is not valid as per the rules. Granting of further promotion on accelerated basis will create a class within a class and will constitute intellectual difference, thus distinguishing one group from the other within the force. The petitioners were already granted enough rewards.

21. It is submitted that the Police Personnel in the Special Task Force were given one stage accelerated promotion and were accommodated in newly created supernumerary posts. Supernumerary post means a person oriented post created for a limited period and for a limited purpose to accommodate a person in certain contingencies. The accelerated promotion from the existing rank and it has no consequential effect on further promotion. Regarding creation of supernumerary

post to grant further promotion to the petitioners herein on par with regular promotees, it is submitted that the well settled seniority between the regular promotees and the accelerated promotees will be disturbed and it will also be a additional burden on the exchequer when there is need for such posts. Further creation of supernumerary posts, when actually such posts are not required for the administration, will not only lead to taxing the Government money but also create dissatisfaction from various groups which will not be in the interest of administration. This will create utter chaos and turmoil in the administration."

67. By disclosing its stand as above, in the opinion of this Court, the Government has lost its credibility to defend G.O.Ms.No.550, Home (Police-II) Department, dated 24.07.2013. It does not anymore lie in the mouth of the Government to oppose the writ petitions challenging the amendment. The Government appears to be on a policy roller coaster flip flopping all along, by not allowing the dust to settle down. In fact, on behalf of the Government ironically and strangely no serious arguments were advanced or meaningful submission made in the entire proceedings in support of the impugned amendment. A feeble attempt was made to support the above averments of the Government initially by a learned Additional Advocate General and then finally by the learned Additional Government Pleader, who dutifully and perfunctorily discharged his brief.

68. In the batch, three writ petitions viz., W.P.No.20145 of 2018, W.P.Nos.8163 and 8654 of 2020 need to be considered little differently, as the writ petitions are against accelerated seniority granted to an Officer as a consequence of his accelerated promotion in 1997 in terms of G.O.Ms.No.468, Home Department, dated 19.03.1996 on the basis of assessment of his individual merit and act of bravery. The Officer concerned is arrayed as 3rd respondent in the writ petitions. His accelerated promotion with consequential accelerated seniority is actively defended by the Government through an Additional Advocate General. The learned Additional Advocate General who appeared in these two matters however cautiously and discreetly confined his arguments on the facts of the case in the two writ petitions. Nevertheless the larger issue before the learned Division Bench and the assailment before this Court, is whether the amendment in support of the conferment of the benefit of accelerated seniority is permissible in law or not. There cannot be a better manifestation of a policy somersaults of the Government wherein even the consolidated challenge to the amendment, two learned

advocacies have been advanced opposing each other. A travesty true to its definition as to how the Government could approbate and reprobate in the matter concerning its policy by vacillating its support and resistance to the claim of one Officer to another who are identically placed. Any decision of this Court would inevitably have direct impact on these two writ petitions as well. Despite that, the Government in its wisdom felt that it can blow hot and cold, demonstrating openly its incongruous positions on the issue. The only difference in these two writ petitions that sought to be driven home is accelerated promotion of the 3rd respondent was granted against regular vacancy, unlike post 2004, accelerated promotees against supernumerary posts.

69. Mr.Balan Haridas and Mr.G.Sankaran, learned counsels appeared for the respective petitioners and Mr.A.R.L.Sundaresan, learned Senior counsel appeared for the third respondent. The writ petitioners are the regular promotees aggrieved against inclusion of Mr.M.Chandrasekaran / third respondent in the panel of promotion to the post of Superintendent of Police for the year 2020-2021 on the basis of his accelerated seniority granted to him earlier in his service overtaking them. According to the learned Senior Counsel, as far as Mr.M.Chandrasekaran whose promotion is under challenge, he would submit that his case was completely different and need not be considered by the legal yardstick adopted by learned Division Bench. As according to the learned Senior counsel the 3rd respondent's promotion was in 1997 for his participation in the operation against a Terrorist in Bomb blast case in Coimbatore. His promotion was in terms of G.O.Ms.No.468, Home Department, dated 19.03.1996 and also with reference to the instructions of the Government dated 27.01.1997. Moreover the promotion was not against supernumerary posts but was against a regular sanctioned post. Therefore, his promotion cannot be a subject matter of challenge on the basis of learned Single Judge's order dated 14.10.2009 or on the basis of learned Division Bench order dated 05.04.2013. According to the learned Senior counsel, unlike accelerated promotees, post 2004 pursuant to G.O.Ms.No.1252 dated 29.10.2004, the 3rd respondent promotion was on the basis of his individual assessment of merit and act of bravery with reference to G.O.Ms.No.468 dated 19.03.1996 and the instructions issued thereunder.

70. Moreover, the learned Senior counsel would also submit that even the learned Division Bench in paragraph 88 has observed as under;

"88. There is no gainsaying that those who served in the Special Task Force with better performance

deserve better treatment. But this has to be done within the frame work of the existing rules. Since accelerated promotion was made without reference to any statutory rules and with a view to clarify the ambiguity, the Government has rightly issued G.O.Ms.No.1396 Home dated 03.10.2007. If promotion was based on merit cum ability and if the person was accommodated in the substantive vacancy in the higher category, the person can seek accelerated seniority as well. Unless such promotion so conferred was made within the rules, there is no question of granting accelerated seniority."

71. The learned Division Bench in fact has observed that when a person is accommodated against substantive vacancy, he could seek accelerated seniority as well provided his promotion was made within the rules. Further, the learned Senior counsel would also submit that seniority was granted to him two decades before and in the guise of challenging the present inclusion for further promotion to the post of Superintendent of Police, the present Writ Petitions are filed and being inordinately delayed and on the ground of latches alone, the writ petitions are liable to be dismissed.

72. The learned Senior counsel has also questioned the locus standi of the petitioner in W.P.No.8654 of 2020 to challenge the promotion of the third respondent on the ground that the petitioner being Deputy Superintendent of Police is not even eligible to be considered as Superintendent of Police, as he had to be promoted as Additional Superintendent of Police and thereafter only he can aspire to be promoted as Superintendent of Police. Therefore, as on date, he has no locus standi to question the promotion of third respondent as Superintendent of Police. But this Court finds the said petitioners have already approached this Court in W.P.No.20145 of 2018 challenging the promotion of the 3rd respondent as Additional Superintendent of Police in 2017 and the Writ Petition is also tagged with this batch.

73. In W.P.No.8163 of 2020 wherein Mr.Balan Haridas appeared for the petitioners, the same Mr.M.Chandrasekaran has been arrayed as third respondent. According to the learned counsel, these writ petitioners are seeking a declaration, declaring the promotion of the third respondent even to the earlier post of Deputy Superintendent of Police in 2009, further promotion as Additional Superintendent of Police in 2017 and consequently to refix the seniority of the 3rd respondent on the basis of Rule 25 of Tamil Nadu Police Subordinate Service Rules and also not to

extend any further promotion to the third respondent. Both Mr.G.Sankaran and Mr.Balan Haridas would submit that the third respondent happened to be a very favorite Police Officer, who managed to get multiple promotions even ahead of his own colleagues who had also been granted accelerated promotions like him.

74. In this regard, the learned counsels referred to an earlier order passed by this Court at the instance of the third respondent for his promotion in 2007 despite the pendency of the dispute before this Court.

75. The third respondent filed two Writ Petitions in W.P.Nos.10290 & 12725 of 2009 seeking promotion on the basis of the accelerated seniority granted to him as Inspector of Police in 1997. A learned Judge of this Court vide his order dated 30.10.2009 has allowed the claim of the petitioner in the order as found in paragraphs 7 & 8 which are extracted hereunder;

"7. When the petitioner was elevated to the post of the Inspector of Police from the post of Sub Inspector of Police, considering his act of bravery and such promotion was accorded through G.O dated 1.07.1999, relaxing the relevant rules and for the regular post without creating supernumerary posts, when his seniority was fixed on 07.03.2001 placing him in Serial No.110 A and the same was reaffirmed by the proceedings of the Director General of Police dated 25.10.2005, there is no rhyme or reason to refuse further promotion to him as DSP. His case cannot be compared with the other promotions granted to STF men who were accorded accelerated promotion for wiping out the forest brigand Veerappan, since in those cases individual acts of bravery of each and every individual who got such accelerated promotion was not considered by the Director General of Police, when he sent their names recommending such accelerated promotion and also the accelerated promotion board has not considered their individual bravery, when recommending their names to the Government for granting accelerated promotion. Further, supernumerary posts were created for granting them accelerated promotion. But, in the case on hand, as stated already petitioner's act of bravery was considered isolatedly and he had been accorded promotion relaxing Rules and also for the regular post. His seniority was also fixed as early as 07.03.2001 and re-affirmed on 25.10.2005. The files produced before me was perused

by me. It reveals that the Collector had also appreciated the act of bravery of the petitioner in that incident and recommended for accelerated promotion.

8. In view of the above stated position, I am inclined to hold that the petitioner is justified in his claim that he shall be elevated to the post of Deputy Superintendent of Police, which has to be considered within six weeks from the date of receipt of a copy of this order."

76. In fact the learned Judge has held that the claim of the petitioner was not to be compared with the post 2004 accelerated promotees who served in the STF. According to the counsels, despite the pendency of the lis before the Division Bench, the third respondent has obtained directions as if his claim was different when legally not so and got his promotion in 2009 as Deputy Superintendent of Police and also his further promotion as Additional Superintendent of Police in 2017.

77. Mr.G.Sankaran, learned counsel in this regard would submit that a similarly placed Police Officer Mr.Thillai Natarajan was initially denied further promotion by giving him benefit of accelerated seniority as given to the third respondent. According to the learned counsel, the said Mr.Thillai Natarajan was was identically placed as that of the 3rd respondent, as he was also granted out of turn promotion with reference to G.O.Ms.No.468, Home Department, dated 19.03.1996. The said Officer approached this Court in a writ petition viz., W.P.No.22301 of 2012 etc., the same was allowed, but the Government has strangely unwilling to concede to his claim, filed appeal against that order in W.A.No.1428 of 2019 which is pending before this Court. According to the counsel that the Government has never adopted any concrete policy at any point of time, even in respect of the two similarly placed Officers. According to the counsels, when a similarly placed Police Officer as above could be denied accelerated seniority, the question of treating the promotion of the third respondent (Mr.M.Chandrasekaran) differently in the matter at the instance of the Government is per se discriminatory and arbitrary. On the issue of inordinate delay in challenging the promotion of the 3rd respondent, the learned counsels would submit that the entire issue of grant of accelerated seniority has been pending before this Court as on date and therefore the present challenge is very much within time.

78. This Court though on a precipitous understanding and at a first blush found some substance and force in the submission of learned Senior counsel Mr.A.R.L.Sundaresan, particularly his reference to observation of the learned Division Bench in paragraph 88 (extracted supra), but on a careful understanding of the issue, it boiled down to the legal position that the grant of the benefit of accelerated seniority was not traceable to any statutory Rule at all. Such benefit is not referable to any statutory Rule, as held by the learned Division Bench as under;

"71.....Even assuming that the promotion was made under Rule 36(b)(ii)(2), then again by applying Rule 36(aa), the accelerated promotees cannot overlook their seniors to get accelerated seniority in the promoted post.

79. The promotion against supernumerary posts only makes the case stronger for the regular promotees to assail the grant of benefit of accelerated seniority. Nonetheless accelerated promotion against regular vacancy under Rule 36(b)(ii)(2), assuming that the promotion was made under the said Rule did not mean that accelerated seniority to be conferred as a consequence of such promotion without reference to any Rule. Therefore, this Court is of the considered view that ultimately whether the promotion was against supernumerary post or against a regular post is immaterial in testing the validity of the grant of accelerated seniority. Even otherwise, the learned Division Bench in paragraph 88 has observed that the claim for accelerated seniority may be sought if a person was accommodated in a substantive vacancy, provided such promotion so conferred was made within the Rules, which means if only the promotion was made in terms of the Rules like 35(a), 35(aa) of the Tamil Nadu State and Subordinate Service Rules or 25 of the Tamil Nadu Police Subordinate Service.

80. On the aspect of delay, this Court finds that in the normal circumstances, the objections may have been valid but on consideration of the continuous pending of 'lis' before this Court and the legal circumstances and the core issue has been hanging fire particularly at the instance of the Government, the said objections are liable to be rejected. In fact, before the learned Division Bench tacitly the issue of delay was raised as there was no challenge to G.O.Ms.No.1252, Home (Police - VIII) Department, dated 29.10.2004 for considerable time, but the objection was overruled on the larger consideration of the lis. Therefore, while disposing of all these writ petitions, no exception could be carved out in respect of these three writ

petitions. The effect of the learned Division Bench decision dated 05.04.2013 and the decision of this Court would cover all promotions and seniority that are subject matter of the present batch of writ petitions.

81. The impugned amendment completely ignoring the law declared by the Hon'ble Supreme Court of India and reproduced and reiterated in the Division Bench order, is an affront on the well settled sacrosanct legal precedents. As stated earlier the validity of the impugned amendment ought to be tested with reference to the policy disclosed or declared by the Government as preamble or preface to the amendment. This is the rudimentary Constitutional principle and understanding. Either the Government was blissfully ignorant as how to exercise its power referable to the Constitution in overruling the judgment of the Constitution Court, or it was a cocky demonstration of officious imprudence, whichever was the basis, in the complete absence of any such policy being delineated or demonstrated, removing the substratum of the challenge repulsed by the Division Bench, the impugned amendment is liable to be interfered.

82. In the said circumstances, G.O.Ms.No.550, Home (Police - 2) Department, dated 24.07.2013 amending Rule 11 of the Special Rules for Tamil Nadu Police Service is hereby quashed, as unconstitutional and illegal.

In the result;

(i)W.P.Nos.24461, 26276 of 2013 challenging G.O.Ms.No.550, Home (Police - 2) Department, dated 24.07.2013 are allowed.

(ii)W.P.Nos.8596, 1173, 13345, 14302 and 12719 of 2020 stand dismissed.

(iii)W.P.No.20145 of 2018, W.P.Nos.8163 and 8654 of 2020 stand disposed of in terms of the observations as above particularly in paragraph No.80 of this judgment. No costs. Consequently connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS VI)

//True Copy//

Sub Assistant Registrar

mrm/pns/suk

To

1. THE PRINCIPAL SECRETARY TO GOVERNMENT,
STATE OF TAMILNADU,
HOME DEPARTMENT, SECRETARIAT,
CHENNAI-600 009
2. THE DIRECTOR GENERAL OF POLICE,
CHENNAI-600 004
3. THE SECRETARY,
TAMILNADU PUBLIC SERVICE COMMISSION,
V.O.C NAGAR, PARK TOWN, CHENNAI- 600 003.
4. P. JAWAHAR,
INSPECTOR OF POLICE,
V-7, NOLAMBUR POLICE STATION, CHENNAI CITY.
5. K. SASIKUMAR,
INSPECTOR OF POLICE,
STF CAMP, SATHYAMANGALAM, ERODE DISTRICT
6. D. SELVAKKAN DAVID,
INSPECTOR OF POLICE, SB-CID, MYLAPORE,
CHENNAI-4
7. P. PANDITHURAI,
INSPECTOR OF POLICE, VRIDHACHALAM CIRCLE,
CUDDALORE DISTRICT.
8. P. ARUMUGAM,
INSPECTOR OF POLICE,
ANTI NAXAL WING, THENI & DINDIGUL DISTRICT.
9. S. SARAVANA PRABU,
INSPECTOR OF POLICE,
R-9, VALASARAVAKKAM POLICE STATION,
CHENNAI CITY
10. J. JAMES JAYARAJ,
INSPECTOR OF POLICE,
SOCIAL JUSTICE & HUMAN RIGHTS,
DINDIGUL DISTRICT.
11. P. ANAND,
INSPECTOR OF POLICE,
PERIYAKULAM POLICE STATION,
THENI DISTRICT

- 12.S.GNANAPRAKASAM,
INSPECTOR OF POLICE,
PEW, GUDDALUR UNIT,
THE NILGIRIS.
- 13.N.MANIKANDAN,
INSPECTOR OF POLICE,
SATTUR TOWN CIRCLE,
VIRUDHUNAGAR DISTRICT
- 14.J.SUBASH,
INSPECTOR OF POLICE,
MATHIKONAPALAYAM,
DHARMAPURI DISTRICT.
- 15.A.MOHAN NAWAS,
ADDITIONAL SUPERINTENDENT OF POLICE,
SOCIAL JUSTICE & HUMAN RIGHTS, COIMBATORE.
- 16.M.RAJENDRAN,
ADDITIONAL SUPERINTENDENT OF POLICE,
CB-CID, CC WING, COIMBATORE.
- 17.N.RAJARAJAN,
ADDITIONAL SUPERINTENDENT OF POLICE,
CORE-CELL, CID SECURITY, CHENNAI.
- 18.D.KANDASWAMY,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW (NORTH-II),
GREATER CHENNAI POLICE.
- 19.K.THIRUMALAICHAMY,
ADDITIONAL DEPUTY COMMISSIONER OF POLICE/ESTATE WELFARE &
COMMUNITY POLICING, GREATER CHENNAI POLICE.
- 20.V.BALASUBRAMANIAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PROHIBITION ENFORCEMENT
WING-II, CENTRAL-II,
GREATER CHENNAI POLICE.
- 21.A.ELANGO,
ADDITIONAL SUPERINTENDENT OF POLICE, DCRB,
KANYAKUMARI DISTRICT.
- 22.J.RATHINAVEL,
ADDITIONAL SUPERINTENDENT OF POLICE, DIRECTORATE OF VIGILANCE
& ANTI CORRUPTION, THANJAVUR.

- 23.K.GUNASEKARAN,
ADDITIONAL SUPERINTENDENT OF POLICE,
PEW-II, ERODE DISTRICT.
- 24.M.BALASUBRAMANIAN,
ADDITIONAL SUPERINTENDENT OF POLICE,
DIRECTORATE OF VIGILANCE & ANTI CORRUPTION,
VELLORE.
- 25.S.KUMARAVELU,
ADDITIONAL SUPERINTENDENT OF POLICE,
DCRB, THIRUVANNAMALAI.
- 26.M.GNANASEKARAN,
ADDITIONAL SUPERINTENDENT OF POLICE,
PEW, THOOTHUKUDI-II.
- 27.S.BALASUBRAMANIAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW,
PROHIBITION ENFORCEMENT
WING II, THIRUNELVELI DISTRICT.
- 28.L.SRINIVASAN,
ADDITIONAL SUPERINTENDENT OF POLICE, PEW-II,
CUDDALORE DISTRICT.
- 29.S.PERUMAL SWAMY,
ADDITIONAL SUPERINTENDENT OF POLICE, CORE-CELL,
CID SECURITY BRANCH, CHENNAI.
- 30.R.VEERAPERUMA,
ADDITIONAL SUPERINTENDENT OF POLICE,
CORE CELL, CID SECURITY BRANCH, CHENNAI.
- 31.S.VELLADURAI,
ADDITIONAL SUPERINTENDENT OF POLICE,
PEW, RAMNAD-II.
- 32.S.LAYOLA IGNATIUS,
ADDITIONAL SUPERINTENDENT OF POLICE/ ADDITIONAL
DEPUTY COMMISSIONER, CRB, TIRUNELVELI DISTRICT.
- 33.K.RAJAVEL,
ADDITIONAL SUPERINTENDENT OF POLICE, RAILWAY POLICE,
TRICHY

34.V.SUBBARAJ,
ADDITIONAL SUPERINTENDENT OF POLICE/ADDITIONAL
DEPUTY COMMISSIONER, PEW-WEST,
GREATER CHENNAI POLICE.

+4cc to Mrs.Vedavallikumar, Advocate, S.R.No.38561, 38560
+1cc to Mr.Balan Haridas, Advocate, S.R.No.38584
+3cc to Mr.G.Sankaran, Advocate, S.R.No.39024
+2cc to Mr.R.Krishnakumar, Advocate, S.R.No.38620
+2cc to M/s.G.Bala & Daisy, Advocate, S.R.No.38713
+1cc to M/s.M.Srividhya, Advocate, S.R.No.38735

W.P.No.24461 of 2013

JP (CO)
CS/05/03/2021



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