



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED : 06.02.2020
(Reserved on 20.01.2020)

CORAM

WEB COPY

THE HONOURABLE MRS.JUSTICE J.NISHA BANU

W.P(MD)No.3572 of 2014
and
W.M.P(MD)No.1711 of 2016

S.Veluchamy

... Petitioner

vs.

1)The Secretary,
Department of Home,
Secretariat,
St.George Ft. Chennai.

2)The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.

3)The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

... Respondents

Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent dated 16.12.2013 in Na.Ka.No.A5/55698/2013 and quash the same and consequently direct the respondents to disburse the selection grade pay of scale with effect from 01.07.2012 and all other consequential monetary and service benefits to the petitioner.

For Petitioner : Mr.S.Chellapandian
For Respondents : Mr.S.Dhayalan, Government Advocate

ORDER

The prayer in the writ petition is for issuance of a Writ of Certiorarified Mandamus, calling for the records relating to the impugned order passed by the 3rd respondent dated 16.12.2013 in Na.Ka.No.A5/55698/2013 and quash the same and consequently direct the respondents to disburse the selection grade scale of pay with effect from 01.07.2012 and all other consequential monetary and service benefits to the petitioner.



2.The petitioner has completed PUC in the year 1968 and B.A Economics in the year 1971. He applied for the post of Police Constable in the Tamil Nadu Railway Police and got selected and joined the said post on 11.04.1977. He retired as Sub Inspector of Police on 30.11.2012. The grievance of the petitioner is that he served as Special Sub Inspector of Police from 10.06.2002 to 01.06.2012 and therefore, as per G.O.Ms.No.68, Personnel and Administrative Reforms Department, dated 23.01.1986, he was entitled for grant of selection grade on completion of 10 years of service in the said post without any promotion and he is entitled to selection grade scale of pay till his retirement and stating the same, the petitioner sent representation to the 3rd respondent on 17.09.2013. The 3rd respondent has passed the present impugned order rejecting his claim for the abovesaid period stating that there is no specific provision for grant of selection grade pay on completion of 10 years in the upgraded post of Special Sub Inspector of Police without any promotion. According to the petitioner, the rejection of his claim by the 3rd respondent is against the law and thus prayed for setting aside the impugned order.

3.The respondents have filed counter affidavit. Learned Government Advocate appearing for the respondents would state that the post of Special Sub Inspector of Police has not been sanctioned as regular post and the introduction of the scheme of upgradation of Special Sub Inspector of Police is only temporary arrangement for the police personnel who are not able to get their regular promotion. The petitioner was promoted as regular Sub Inspector of Police with effect from 09.05.2012. Even in G.O(Ms)No.937, Home Pol 3) Department, dated 21.07.1998, it has been stated that the police personnel who completed 25 years of service with 10 years of service as Head Constable and not able to get regular promotion as Sub Inspector of Police, be upgraded as Special Sub Inspector of Police and once they are promoted to the regular post of Sub Inspector of Police, the upgraded post of Special Sub Inspector of Police held by them will lapse. He would also state that as there is no specific provision, till date, not even a single person has been given selection grade in the post of Special Sub Inspector Police. Thus, he would pray that the interference of this Court is not necessary.

4.Heard the learned counsel for the petitioner as well as the learned Government Advocate for the respondents.

5.Perusal of G.O(Ms)No.937, Home (Pol 3) Department, dated 21.07.1998, shows that the Government issued the said G.O providing upgradation as Special Sub Inspector of Police for those police personnel who completed 25 years of service with 10 years of service as Head Constable and not able to get regular promotion as Sub Inspector of Police for a very long time and in the said G.O, it has been further ordered that the upgraded post of Special Sub Inspector of Police held by them will lapse on getting promotion to the Sub Inspector of Police. Here, the petitioner was



upgraded as Special Sub Inspector of Police on 01.06.2002 and he was given promotion as regular Sub Inspector of Police with effect from 09.05.2012 vide proceedings in D.O.1761/2012 dated 20.12.2012 and therefore, the post of Special Sub Inspector of Police held by the petitioner stood lapsed on 09.05.2012. As rightly contended by the learned Government Advocate, it is only a temporary arrangement for the police personnel till they get regular promotion. G.O.Ms.No.68 relied on by the petitioner is only a general guidelines issued for advancement of selection grade/special grade in public services and there is no specific provision in the Tamil Nadu Police Subordinate Service Rules for grant of selection grade on completion of 10 years in the upgraded post of Special Sub Inspector of Police. Therefore, I am not inclined to interfere with the impugned order.

6.Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

bala

To

1)The Secretary,
Department of Home,
Secretariat,
St.George Ft. Chennai.

2)The Director General of Police,
Dr.Radhakrishnan Salai,
Chennai.

3)The Superintendent of Police,
Tirunelveli District,
Tirunelveli.

+1 CC to SPL GP (SR-5237[F] dated 07/02/2020)

+1 CC to Mr.S.CHELLAPANDIAN, Advocate (SR-5337[F] dated 07/02/2020)

ORDER MADE IN
W.P(MD)No.3572 of 2014
DATED : 06.02.2020

MK (19.02.2020) 3P 6C

<https://hcservices.ecourts.gov.in/hcservices/>