



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2021

CORAM:

THE HON'BLE MR.JUSTICE P.VELMURUGAN

Writ Petition No.8728 of 2007 &
M.P.No.2 of 2007

- 1.M.Lawrence
- 2.Kaliannan
- 3.Thanikachalam
- 4.Sakthivel Murugan
- 5.Shanmmugam
- 6.P.Ravichandran
- 7.Kesvan

..Petitioners

Vs.

- 1.The State of Tamil Nadu,
Rep. by Secretary to Government,
Home (Police III) Department,
Fort St. George, Chennai - 600 009.
- 2.The Director General of Police,
O/o.Director General of Police,
Chennai - 600 004.
- 3.The Superintendent of Police,
Civil Supplies, Annanagar Western Extension,
Chennai - 600 101.
- 4.The Superintendent of Police,
Coimbatore District, Coimbatore.cc
- 5.The Superintdent of Police,
Salem District, Salem.
- 6.R.Ayub Ali Khan,
CCIW, Salem City, Salem.

..Respondents

Prayer : Writ Petition filed praying to issue a writ of Certiorarified Mandamus to call for the records realting to the Memorandum made in No.36631/NGB(1)/2006, dated 14.09.2006 issued by the second respondent and quash the same so far it relates to Serial No.258 and forbear the respondents from including the names of the Sub Inspector of Police (Armed Reserve and Tamil Nadu Special Police) migrated and appointed as Sub Inspector of Police (Taluk Police) in the 'C' list for the year 2006-2007 for further promotion to the post of Inspector of Police or promoting them without effecting promotion to the petitioners.



WEB COPY

For Petitioners : Ms.M.S.Uma Shankar
For Mr.G.Ethirajulu

For Respondents : Mr.P.Chinnadurai
Additional Government Pleader

ORDER

This Writ Petition has been filed to quash the Memorandum made in No.36631/NGB(1)/2006, issued by the second respondent, so far it relates to Serial No.258, dated 14.09.2006 and forbear the respondents from including the names of the Sub Inspector of Police (Armed Reserve and Tamil Nadu Special Police) migrated and appointed as Sub Inspector of Police (Taluk Police) in the 'C' list for the year 2006-2007 for further promotion to the post of Inspector of Police or promoting them without effecting promotion to the petitioners.

2. The case of the petitioners is that originally they were appointed as Grade II Head Constables (Category II) in Armed Reserve Service on various dates (from 1982 to 1986) and subsequently, they have appeared for the examination conducted for the post of Sub Inspector of Police during the year 1997-1998 and all of them were selected to the post of Sub Inspector of Police in Category I, because of the fact that they secured higher marks and also posted as Sub Inspector of Police on 16.04.1999 and their services were regularized with effect from October 2001.

3. According to the petitioners, the other Sub Inspectors termed as Category II and III have no eligibility to appoint as Inspector of Police on par with the petitioners, who belong to Category I. As per the Service Regulation, they should have been promoted to the post of Inspector of Police during the year 2006 itself and they were also under a bona-fide impression that their names will be included in the 'C' list for the year 2006-2007, after exhausting the list of 1997 year batch. However, the first respondent in Ref.No.36631/NGB(1)/2/006 dated 14.09.2006, has preferred 'C' list of Sub Inspector of Police(Taluk) fit for promotion as Inspector of Police (Taluk) for the year 2006-2007.

4. The further case of the petitioners is that the names mentioned in the enclosed Annexure Serial No.1 to 257 are the Sub Inspector of Police belongs to 1997 batch in Category I and in regular circumstances Serial No.258 should be commenced with the name of the Sub Inspector of Police belongs to 1999 year batch of Category I i.e., the petitioners herein, however, one Mr.R.Ayub Ali Khan name found place in 'C' list in Serial No.258, who belongs to Category II in Sub Inspector of Police. On verification, they came to know that in G.O.MS.No.325, dated 04.04.1997, an amendment was carried out

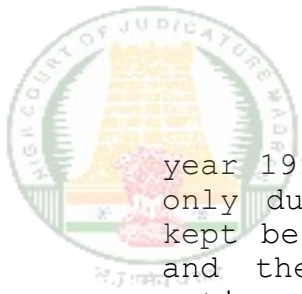


in the special rules for the Tamil Nadu Police Subordinates Services Rules, whereby, the Sub Inspector of Police in the category II and III are inducted in Category I. In terms of the said Government Order and in furtherance of a communication from the second respondent, the Superintendent of Police of respective Districts in his Office Proceedings dated Ni.10.2005, directly recruited the Sub Inspectors (AR) who were appointed in the year 1997 as Sub Inspectors (Taluk Office).

5. According to the petitioners, migrated Sub Inspector of Police from Category II and III are juniors to the Sub Inspectors placed in Category I. Therefore, in all respects, the petitioners names should be placed above them and not below. Therefore, the respondents have not included the names of the petitioners in the 'C' list for the year 2006-2007. If the procedure is adopted, the petitioners name will not be included in the 'C' list for another three years before exhausting the said list, as 400 Sub Inspectors were about to be placed in the said list, who have migrated from Category II and III. Hence, this Writ Petition.

6. In the counter affidavit filed by the respondents, it is stated that the petitioners seniority will be counted with effect from 16.04.1999, as they have been selected and appointed as Sub Inspectors of Police with effect from 16.04.1999 and none of their juniors have so far not been given promotion as Inspector, Taluk Police so far. There are three categories of Sub Inspector (viz.,) Taluk, (Category-I) Armed Reserve (Category II) and Tamil Nadu Special Police (Category-III) are eligible for conversion to Taluk Police (Category-I) on completion of five years of unblemished service in their respective service, with certain conditions prescribed by the Government, such as age limit, educational qualification, as admitted by the writ petitioners, the Government in G.O.Ms.No.525, Home (Police-III) Department, dated 04.04.1997, have amended the Special Rules for Tamil Nadu Police Subordinate Services, for this purpose by which their seniority shall be fixed below the direct recruits in the year in which, they were recruited to their respective feeder categories. Therefore, appointment by transfer to Local Police was given in accordance with the above Rule provision and Sub-Inspectors of Police, who were originally appointed as Sub-Inspector of Police in Armed Reserve and Tamil Nadu Special Police, appointed in the year 1997, thus converted to Local Police and for the purpose of seniority they were placed below those who were appointed to Local Police in the year 1997. Therefore, there is no merit in this Writ Petition.

7. The learned counsel for the petitioners would submit that the second respondent ought to have included the names of the petitioners appointed as Sub-Inspectors of Police Category-I (Taluk Police) in the C-list taking into consideration of the fact that they were appointed during the



year 1999, whereas the others were brought to the Taluk police only during the year 2005, therefore, their names should be kept below the names of the petitioners in the promotion list and the non-consideration of the said facts vitiates the entire proceedings. It is further submitted that though the names of the petitioners have been mentioned in the enclosed Annexed Serial Nos.1 to 257, the name of one Mr. Ayub Ali Khan, has found place in 'C' list in Serial No.258, who belongs to Category II in Sub Inspector of Police. It is further submitted that the migrates Sub-Inspectors of Police from Category II and III are far juniors than the Sub-Inspector of Police in Category I and therefore, the preference should not be given to the former, and therefore, the decision of the second respondent is arbitrary, unreasonable and without any jurisdiction.

8. The learned Additional Government Pleader appearing for the respondents would submit that the petitioners have been appointed in Armed Reserve (Category II) and in Tamil Nadu Special Police (Category III) in the year 1997, were given conversion in the year 2005, and their seniority has to be determined only with effect from the date of the original appointment, as per the amended Rule 25 (e) and they were placed below those who were originally appointed as Local Police (Category-I) in the year 1997, in which they were recruited to their respective categories. Therefore, the seniority of those Sub Inspector of Police in Armed Reserve and Tamil Nadu Police, who were converted to Local Police in the year 2005, has been correctly fixed as per the above rule provision and by virtue of the derived seniority, they were considered for promotion as Inspector of Police and one among them was Thiru R. Ayuyb Alikhan, aged within 40 years as on 01.07.2003, the sixth respondent herein, was included in the list as Sl.No.258, the last candidate included in 'C' list for the year 2006-2007, and the name of the writ petitioners will come for consideration for inclusion in the future 'C' lists, by virtue of their date of recruitment (i.e.), 16.04.1999, and they are not eligible for inclusion in the 'C' list for the year 2006-2007, according to their State Seniority.

9. Heard the learned counsel for the petitioners and the learned Government Advocate for the respondents and perused the materials placed on record.

10. It is not in dispute that the petitioners were originally selected as Grade II Head Constable (Category II) in Armed Reserve Police and subsequently, they were selected as Sub Inspector of Police in Category I during 1999. According to the petitioners, migrates Sub-Inspectors of Police from Category II and III are far juniors than the Sub-Inspector of Police in Category I, however, the respondents, without considering the names of the petitioners and that they are under Serial Nos.1 to 257, belong to 1997 batch in Category I, one Mr. R. Ayub ali Khan name found place in 'C'



list in Serial No.258, who belongs to Category II in Sub Inspector of Police.

11. The respondents have clearly stated in their counter affidavit that the petitioners have been appointed in Armed Reserve (Category II) and in Tamil Nadu Special Police (Category III) in the year 1997 and they were given conversion in the year 2005 and their seniority has to be determined only with effect from the date of the original appointment, as per the amended Rule 25 (e) of the Special Rules for Tamil Nadu Police Subordinate Services. Therefore, they were placed below those who were originally appointed as Local Police (Category-I) in the year 1997, in which they were recruited to their respective categories. Therefore, as per Rule 25(e) of the amended Rule, the seniority of those Sub Inspector of Police in Armed Reserve and Tamil Nadu Police, who were converted to Local Police in the year 2005, has been fixed as per the above rule. By virtue of the derived seniority, they were considered for promotion as Inspector of Police. The sixth respondent was included in the list as Sl.No.258, the last candidate included in 'C' list for the year 2006-2007. It is further made clear by the respondents that the name of the writ petitioners will come for consideration for inclusion in the future 'C' lists, by virtue of their date of recruitment viz., 16.04.1999 and they are not eligible for inclusion in the 'C' list for the year 2006-2007, according to their State Seniority. In such view of the matter, the petitioners are not entitled for the relief sought for in this writ petition. Accordingly, the writ petition is dismissed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (CS-VII)

//True Copy//

Sub Assistant Registrar

rns/nvsri

To

1.The Secretary to Government,
Government of Tamil Nadu,
Home (Police III) Department,
Fort St. George, Chennai - 600 009.

2.The Director General of Police,
O/o.Director General of Police,
Chennai - 600 004.

3.The Superintendent of Police,
Civil Supplies, Annanagar Western Extension,
Chennai - 600 101.



4.The Superintendent of Police,
Coimbatore District, Coimbatore.

5.The Superintdent of Police,
Salem District, Salem.

+1cc to Mr.G.Ethirajulu, Advocate, S.R.No.3658

+1cc to the Government Pleader, S.R.No.54275

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M.P.No.2 of 2007

AD(CO)
SB(23/11/2021)