



**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

DATED: 12.03.2021

CORAM:

THE HONOURABLE **MR.JUSTICE M.DHANDAPANI**

**W.P. (MD)No.4366 of 2017**

E.Annaselvam

... Petitioner

Vs.

1.The Deputy Inspector General of Police,  
Ramanathapuram Range,  
Ramanathapuram.

2.The Superintendent of Police,  
Ramanathapuram District,  
Ramanathapuram.

... Respondents

**Prayer:** Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents to give the suitable notional promotion to the petitioner under the time bound upgradation scheme framed by the Government of Tamil Nadu, in the light of Review Petition No.10 of 2013 order dated 02.07.2013 confirmed by the Hon'ble Supreme Court in SLP No.9754, 9756 of 2014 by rearranging the promotion date by considering the petitioner representation dated 19.01.2017 with all attendant benefits.

For Petitioner : Mr.V.Sasikumar

For Respondents : Mr.M.Muthugeethayan

Special Government Pleader

**O R D E R**

This writ petition is filed for a direction to the respondents to give the suitable notional promotion to the petitioner under the time bound upgradation scheme framed by the Government of Tamil Nadu, in the light of Review Petition No.10 of 2013 order dated 02.07.2013 confirmed by the Hon'ble Supreme Court in SLP No.9754, 9756 of 2014 by rearranging the promotion date, by considering the petitioner representation dated 19.01.2017 with all attendant benefits.

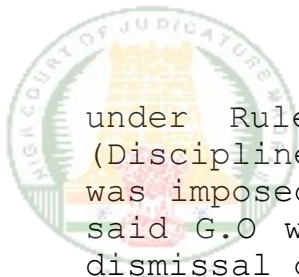
2.The case of the petitioner is that he was appointed as Grade-II Police Constable on 15.11.1980 and he was continuously worked in the same post. While so, the Government has passed G.O.Ms.No.210, dated 11.03.1991 and G.O.Ms.No.1681, dated 21.01.1992 indicating that notionally upgraded the Grade II Police Constable to Grade I Police Constable, Grade I Police Constable to Head Constable, Head Constable to Special Sub-Inspector of Police upon completion of fixed period of service. As per the said G.Os., after completion of 10 years of service in the post of Grade II Police Constable, notionally promoted to Grade-I Police Constable. However, the petitioner was promoted only on 25.07.1995 as Grade I Constable,



instead of 15.11.1990. Thereafter, the first respondent passed G.O.Ms.No.844, dated 03.06.1997, wherein again upgraded the Grade-II Police Constable to Grade-I Police Constable upon completion of 10 years of service, Grade-I Police Constable to Head Constable upon completion of 5 years of service and on completion of 10 years of service in the post of Head Constable, is eligible for the post of Sub-Inspector of Police and total 25 years of service of Police Constable is eligible for the notional promotion of Sub-Inspector of Police. In spite of that the petitioner was promoted as a Head Constable only in the year 2000 instead of 15.11.1995. Thereafter, the petitioner was promoted as Special Sub-Inspector of Police in the year 2010 instead of 2006 and thereafter, he was promoted as regular Sub-Inspector of Police in the year 2013. Hence, the petitioner has made a representation dated 19.01.2017 to the respondents to rearrange the promotion date. So far no order has been passed. Hence, the present Writ Petition is filed.

3.The learned counsel for the petitioner submitted that the petitioner entered into service in the year 1980 and after completion of 25 years of service, he is entitled for promotion to the post of Sub-Inspector of Police and the respondents ought have grant of promotion to the petitioner for the post of Sub-Inspector of Police, in the year 2006. However, they have granted promotion to the petitioner only in the year 2010, after four years, which is an unsustainable one. Hence, he prays for allowing the present writ petition.

4.Per contra, the learned Special Government Pleader appearing for the respondents submitted that as per G.O.Ms.No.93, dated 21.07.1998, the Police Personnel, who are appointed as Grade-II Police Constable and completed 25 years of, are entitled Special Sub-Inspector of Police. In the present case, the petitioner entered into service in the year 1980 as Grade II Police Constable and thereafter, he was promoted as Head Constable in the year 2000 and thereafter, in the year 2010, he was promoted as Special Sub-Inspector of Police and thereafter, he was retired from service. Further, the Special Government Pleader submitted that the petitioner was upgraded as Special Sub Inspector of Police on 01.12.2010 instead of 07.01.2010, due to currency of punishment in P.R.No.109 of 2009, under Rule 3(a) of the Tamil Nadu Police Subordinate Service(Discipline and Appeal) Rules, 1955. As per G.O.Ms.No.937, Home (Pol.III) Department, dated 21.07.1998, makes it clear that the Head Constables, who had completed 10 years of service in the rank and had a total period of 25 years would be made Special Sub Inspector of Police subject to the condition that there was no punishment imposed on them in the preceding 5 years period and that they should not be facing charges in the departmental proceedings or criminal case and further stipulation is that the policemen should qualify as per the Government Order in G.O.Ms.No.368 P&AR Department, dated 18.10.1993. In the present



under Rule 3(a) of the Tamil Nadu Police Subordinate Service (Discipline and Appeal) Rules, 1955 and the currency of punishment was imposed. In view of the aforesaid punishment, the benefit of the said G.O was not extended to the petitioner. Hence, he prays for dismissal of the present writ petition.

5. Heard the learned counsel for the petitioner and the learned Special Government Pleader appearing for the respondents and perused the material available on record.

6. The facts in the present case are not in dispute. Admittedly, the petitioner was entered into service in the year 1980 as Grade-II Police Constable and he was promoted as Grade-I Police Constable in the year 1995 and thereafter, he was promoted as Head Constable only in the year 2000 and further he was promoted as Special Sub Inspector of Police in the year 2010 and periodically promotion was granted to the petitioner. It is also not in dispute that a criminal proceedings are pending against the petitioner. As per G.O.Ms.No.937, dated 21.07.1998, the Head Constable, who had completed 10 years of service in that rank and had a total period of 25 years would be made Special Sub Inspector of Police subject to the condition that there was no punishment imposed on him. In the present case, the petitioner was promoted as Head Constable in the year 2000 and he was promoted as Special Sub Inspector of Police in the year 2010 and due to the pendency of the criminal case, the delay in granting promotion to the petitioner. Hence, the prayer sought for in the present writ petition cannot be granted. Accordingly, this Writ Petition is dismissed. No costs.

Sd/-

Assistant Registrar (CS III)

// True Copy //

/ /2021

Sub Assistant Registrar(CS)

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To

1. The Deputy Inspector General of Police,  
Ramanathapuram Range,  
Ramanathapuram.

2. The Superintendent of Police,  
Ramanathapuram District,  
Ramanathapuram.

+1 CC to M/s.SPL GP ( SR-11015[F] dated 15/03/2021 )

+1 CC to M/s.V.SASI KUMAR, Advocate ( SR-11189[F] dated 15/03/2021 )

**W.P. (MD)No.4366 of 2017**

**12.03.2021**

MJ (CO)

KK(01.04.2021) 3P 5C

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