



W.A.No.1733 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 20.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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1.The Secretary to Government,
Home (Police V) Department,
Fort St. George, Chennai -9.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai – 4.

3.The Superintendent of Police,
Tiruvallur District, Tiruvallur.

...Appellants

Vs.

T.Chidambaram

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 16.10.2012 made in W.P.No.14568 of 2011.

For Appellants : Mr.G.Nanmaran,
Special Government Pleader
For Respondent : Mr.M.Muthappan



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J U D G M E N T

(Judgment was made by **R.SUBRAMANIAN, J.**)

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Aggrieved by the direction issued by the writ Court to consider the case of the petitioner for upgradation as Special Sub-Inspector in the light of the prevailing Government Orders, the Government had come up with this appeal.

2. The issue relates to upgradation of the petitioner as a Special Sub-Inspector. The issue is no longer *res-integra*. It is in fact covered by the judgment of the Hon'ble Full Bench of this Court in ***The State of Tamil Nadu Represented by its Secretary to Government, Home Department Vs. C.Srinivasan in W.A.Nos.3748 of 2019 etc., batch dated 04.02.2022.***

The essential facts are as follows:-

3. The petitioner entered service in the Police Department as Grade - II Police Constable on 29.12.1977. He was upgraded as Grade-I Police Constable with effect from 24.11.1994 and he was promoted as Head Constable with effect from 24.11.1999. He was superannuated from service on 30.06.2009.

4. The petitioner approached this Court seeking upgradation as



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Special Sub-Inspector, essentially basing his claim on the judgment of this

Court in ***The Government of Tamil Nadu, Rep. by Home Secretary Vs.***

V.Samy and others [W.A.(MD),Nos.1506 of 2011 etc., batch] dated

17.06.2013, wherein, the Division Bench had held that if a person holding

the post of Head Constable had completed 25 years of total service in the

Department, he will be entitled to be promoted as a Special Sub-Inspector.

However, another Division Bench of this Court in ***The Principal Secretary***

to Government Vs. V.Ramachandran and others [Rev.A.Nos.79 to 79 of

2015 etc., batch] dated 22.03.2017 held that in order to get promotion as a

Special Sub-Inspector, a Head Constable must have completed 10 years of

service in the said post irrespective of total service put in by him as

Constable Grade - II or as Constable Grade - I.

5. In view of the conflict between the two judgments, a reference was made to a Full Bench and the Full Bench had by its judgment dated 04.02.2022 has upheld the view in ***The Principal Secretary to Government Vs. V.Ramachandran and others***, while overruling the view in ***The Government of Tamil Nadu, Rep. by Home Secretary Vs. V.Samy and***



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6. Therefore, the petitioner as of today would be entitled to be promoted as a Special Sub-Inspector only if he had completed 10 years of service as a Head Constable. Admittedly, the petitioner was promoted as Head Constable on 24.11.1999 and he was superannuated from service on 30.06.2009. The petitioner fell short of the required service of 10 years by 5 months. May be, it is an unfortunate case, but, in the light of the law laid down by the Hon'ble Full Bench, we have no other option than to allow the writ appeal and set aside the order of the learned Single Judge.

7. Accordingly, the writ appeal is **allowed** and the order made in W.P.No.14568 of 2011 dated 16.10.2012 is set aside the writ petition will stand dismissed. No costs.

(R.S.M., J.) (S.S.K., J.)
20.12.2022

dsa
Internet :Yes/No
Index :Yes/No
Speaking order/Non-Speaking order

To

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