



WEB COPY

Cont.P.No.1562 of 2015



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.12.2022

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN
AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

Contempt Petition No.1562 of 2015

S.Balasubramanian

...Petitioner

Vs.

1.Apurva Varma, I.A.S.,
Secretary to Government,
Home (Police V) Department,
Fort St. George, Chennai – 9.

2.E.T.Samson,
Superintendent of Police,
Thiruvallur District.

..Respondents

Prayer: Contempt Petition filed under Section 11 of Contempt of Courts Act, 1971, seeking to punish the respondents for the disobedience caused by them in pursuance of the orders of this Court in W.A.No.2419 of 2013 dated 11.03.2013.

For Petitioner : Mr.M.Muthappan

For Respondents : Mr.L.S.M.Hasan Fizal

Additional Government Pleader



ORDER

(Order of the Court was made by R.SUBRAMANIAN, J.)

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The petitioner complains of dis-obedience of the order of the Division Bench dated 11.03.2013 in W.A.No.2419 of 2013.

2. The appeal before the Division Bench was a challenge to the order of the writ Court directing promotion of the petitioner as Special Sub-Inspector of Police on the ground that he has completed 32 years of services as Police Constable Grade II, Grade I and as Head Constable.

3. The writ Court granted the relief to the petitioner based on the judgment of the Division Bench 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.*** However, the subsequent Division Bench 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 the promotion to the post of Special Sub-Inspector of Police could be granted only if the incumbent is served as Head Constable for 10 years. The conflict was referred to the Full Bench and the



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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* upheld the judgment of the Division Bench in *The Government of Tamil Nadu, Rep. by Home Secretary Vs. V.Samy and others* case.

4. The resultant position is that the petitioner would not be entitled to promotion. Therefore, the contempt petition is **closed**.

(R.S.M.,J.) (S.S.K.,J.)
23.12.2022

dsa
Index:No
Internet: Yes
Speaking order

R.SUBRAMANIAN, J.
and



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SATHI KUMAR SUKUMARA KURUP, J.

dsa

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