



W.P.No.19816 of 2016

**IN THE HIGH COURT OF JUDICATURE AT MADRAS**

**DATED : 10.11.2022**

**CORAM**

**THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM**

**W.P.No.19816 of 2016**

T.Subramaniyan

...Petitioner

**Vs.**

1. Secretary to Government,  
Home Department, Fort St. George,  
Chennai- 600 009.

2. Director General of Police,  
Chennai-600 004.

3. Superintendent of Police,  
District Police Office, Vellore District.

..Respondents

**Prayer** : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the third respondent herein in his proceedings Na.Ka.No. A2(1)/757/036854/2015 dated 30/08/2015 and quash the same and consequently direct the respondents herein to notionally promote the petitioner as Special Sub-Inspector of Police on completion of 25 years of service as per G.O.Ms.No. 15 Home (Police IV) Department dated 07/01/2010 and in the light



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of the Division Bench Judgment rendered in W.A.(MD).Nos.1506/2011 etc. batch dated 17/06/2013 and R.A.(MD).No.10 to 12 of 2013 dated 02/07/2013 and further confirmed by the Supreme Court in SLP(C) No.9754-9756/2015 dated 14/07/2014 and to re-fix the petitioner's pension with all consequential monetary and service benefits.

For Petitioner : Mr.G.Bala for  
M/s.G.Bala and Daisy

For Respondents : Mr.S.Rajesh  
Government Advocate

### **ORDER**

The order dated 30.08.2015 rejecting the claim of the writ petitioner to notionally promote the petitioner as Special Sub-Inspector of Police on completion of 25 years of service as per G.O.Ms.No.15 Home (Police IV) Department, dated 07/01/2010 and to re-fix the petitioner's pension with all consequential monetary and service benefits is under challenge in the present writ petition.

2. The petitioner was appointed as Grade-II Police Constable on 13.11.1971 and he was upgraded as Grade-I Police Constable in the year 1976



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and further upgraded as Head Constable during the year 1985. He was promoted to the post of Sub Inspector of Police on 09.12.1998 and thereafter, retired from service on 30.11.2009 on attaining the age of superannuation.

3. The grievance of the petitioner was that he was not granted promotion, on completion 25 years of service, to the post of Special Sub-Inspector of Police. The issue in this regard and the rights of the employees for such upgradations were considered and decided by the Full Bench of this Court in batch of cases in W.A.No.3748 of 2019 etc., and the judgment was delivered on 04.02.2022. The relevant portion of the judgment of the Full Bench reads as under:

*42. In view of the above discussion, we proceed to answer the second question that has been referred to this Full Bench hereunder:-*

***“We hold that the Division Bench in V.Samy case did not lay down the law correctly and we uphold the law laid down in V. Ramachandran case to the extent that there is no deemed upgradation or***



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*deemed promotion contemplated in the relevant Government orders and the benefit of upgradation/promotion to the next level can be granted/claimed only on completion of the qualifying service in each level/rank as prescribed in the relevant Government Orders. At the risk of repetition, insofar as understanding the expression “retrospective operation” is concerned, we hold that The Government Orders operate prospectively but it imposes/grants new results in respect of a past event. In other words, the Government Order operates forward but it looks backward and in that it attaches new consequences for the future to an event that took place before the Government Order was issued. If the Government Orders are understood in this perspective, there is no need to get into the issue of “retrospective operation. Thus, we are of the view that the Division Bench while rendering the judgment in V.Ramachandran case has dealt with the Government orders in its proper perspective and the judgment in V.Samy case is hereby overruled”.*



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4. In view of the judgment of the Full Bench cited *supra*, the case of the writ petitioner deserves no further consideration and accordingly, this writ petition stands dismissed. No Costs.

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Index : Yes  
Internet : Yes  
Speaking order : Yes  
*sha*

To

1. Secretary to Government,  
Home Department, Fort St. George,  
Chennai- 600 009.
2. Director General of Police,  
Chennai-600 004.
3. Superintendent of Police,  
District Police Office, Vellore District.



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**S.M.SUBRAMANIAM, J.**

*sha*

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