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W.P.NoS.23600 of 2019, etc. & Batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.12.2022

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THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

**W.P.Nos.23600, 23603, 23605, 23607, 23609, 23611, 23612, 23614, 23616,
23618, 23620, 23621, 23622 of 2019**

W.P.No.23600 of 2019

P.Jayaraman

... Petitioner

Vs.

1.Secretary to Government,
Home Department,
Fort St. George,
Chennai – 9.

2.The Director General of Police,
Chennai – 4.

3.The Superintendent of Police,
District Police Office,
Cuddlore 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 3rd respondent herein in his proceedings Na.Ka.No. A1/ 18248/ 2018 dated 20.06.2018 and quash the same and



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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.M.No. 15 Home (Police IV) Department dated 07.01.2010 and in the light 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 in the light of G.O.Ms.No.167 (Home Police VI) Department dated 02/03/2017 and to re-fix the petitioner's pension with all consequential monetary and service benefits, within a time frame.

For Petitioners (in all W.Ps)	: Mr.G.Bala for M/s.G.Bala and Daisy
For Respondents (in all W.Ps.)	: Mr.S.Rajesh Government Advocate

COMMON ORDER

The order in proceedings, rejecting the claims of the writ petitioners to revise the pension and other retirement benefits of the petitioners, correspondingly advancing upgradation as a Special Sub Inspector of Police notionally with effect from the date of completion of 25 years of their services is under challenge in the present writ petitions.



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2.The petitioners in all the writ petitions were appointed as Grade-II Police Constable and they were upgraded as Grade-I Police Constable and were promoted up to the cadre of Sub-Inspector of Police. Thereafter, they retired from service on attaining the age of superannuation.

3.The grievance of the petitioners are that they were not granted promotion to the post of Special Sub-Inspector of Police on completion of 25 years of their services. The issue in this regard and the rights of the personnel for 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:-



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“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 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



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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 cases of the writ petitioners deserve no further consideration and accordingly, this writ petition stands **dismissed**. No Costs.

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Index : Yes
Internet : Yes
Speaking order : Yes

To

- 1.Secretary to Government,
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S.M.SUBRAMANIAM, J.

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