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WP Nos.24390 to 24402 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09-11-2022

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THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

WP Nos.24390 to 24402 of 2017

A.Natarajan	..	Petitioner in WP 24390/2017
S.Shajakhan Kan	..	Petitioner in WP 24391/2017
M.Thavadan	..	Petitioner in WP 24392/2017
R.Annadurai	..	Petitioner in WP 24393/2017
C.Ramamoorthy	..	Petitioner in WP 24394/2017
R.Chinnappan	..	Petitioner in WP 24395/2017
P.L.Jaikumar	..	Petitioner in WP 24396/2017
P.Vijayalakshmi	..	Petitioner in WP 24397/2017
N.Ramachandran	..	Petitioner in WP 24398/2017
V.Velayutham	..	Petitioner in WP 24399/2017
V.Saroja	..	Petitioner in WP 24400/2017
K.Kalyani legal heir of late N.Krishnan	..	Petitioner in WP 24401/2017



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C.Devanathan ..

Petitioner in WP 24402/2017

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VS.

1.The State of Tamil Nadu Represented by its
Secretary to Government,
Home Department,
Fort St. George,
Chennai-9.

2.The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai-4.

3.The Superintendent of Police,
District Police Office,
Villupuram District. ..

Respondents in all WPs

Writ Petitions are filed under Article 226 of the Constitution of India, praying for the issuance of Writs of Mandamus, directing the respondents to revise the pension and pensionary benefits correspondingly by advancing upgradation as Grade I Police Constable/Head Constable on completion of 10/5 years and to upgrade notionally as Special Sub-Inspector of Police from the date of completion of 25 years and further as Inspector of Police, in the light of orders of this Court and Government Orders, by extending the benefits given to the similarly placed persons.



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For Petitioner in all WPs : Mr.V.Ravikkumar

For Respondents in all WPs : Mr.S.Rajesh,
Government Advocate.

COMMON ORDER

The relief sought for in all these writ petitions is to direct the respondents to revise the pension and pensionary benefits correspondingly by advancing upgradation as Grade I Police Constable/Head Constable on completion of 10/5 years and to upgrade notionally as Special Sub-Inspector of Police from the date of completion of 25 years and further as Inspector of Police, in the light of orders of this Court and Government Orders, by extending the benefits given to the similarly placed persons.

2. The petitioners were appointed as Grade-II Police Constable on 08.02.1977, 12.04.1969, 31.12.1979, 07.07.1975, 20.01.1975, 11.04.1973, 10.11.1975, 07.04.1966, 12.05.1980, 10.02.1977, 01.12.1973, 13.08.1978 and 01.07.1977 respectively and they were upgraded as Grade-I Police Constable in the year 1994, 1993, 1994, 1993, 1993, 1993, 1993,



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1993, 1995, 1994, 1993, 1994 and 1994 respectively and further upgraded as Head Constable during the year 1999, 1998, 1999, 1998, 1998, 1998, 1998, 1998, 2000, 1999, 1998, 1999 and 1999 respectively. The petitioners were promoted to the post of Special Sub Inspector of Police in the year 2010 and thereafter, retired from service on 30.06.2014, 28.02.2006, 30.09.2014, 30.06.2012, 30.04.2007, 30.06.2010, 31.10.2012, 01.02.2002, 31.12.2014, 28.02.2010, 27.01.2009, 17.10.2010 and 31.03.2014 respectively on attaining the age of superannuation.

3. The grievance of the petitioners was that they were not granted promotion on completion 10 years and 5 years respectively to the post of Grade-I Police Constable and Head Constable. 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:-

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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 the judgment in V.Samy case is hereby overruled”.

4. In view of the judgment of the Full Bench cited *supra*, the cases of the writ petitioners deserve no further consideration and accordingly, all the writ petitions stand dismissed. However, there shall be no order as to costs.

09-11-2022

Index : Yes/No.
Internet : Yes/No.
Speaking Order/Non-Speaking Order.
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To

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State of Tamil Nadu,
Home Department,
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2.The Director General of Police,
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Mylapore,
Chennai-4.

3.The Superintendent of Police,
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S.M.SUBRAMANIAM, J.



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