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W.P.No.25524 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.10.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.25524 of 2017

T.Udaya Kumar

...Petitioner

Vs.

1.The State of Tamil Nadu rep. 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

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to revise the Pension and other pensionary benefits correspondingly by advancing upgradation as Grade I Police Constable / Head Constable on Completion of 10/5 years and to upgrade



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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.

For Petitioner : Mr.V.Ravikumar

For Respondents : Mr.S.Rajesh
Government Advocate

ORDER

This writ petition has been filed to direct the respondents to revise the pension and other retirement benefits of the petitioner correspondingly advancing upgradation as Grade I Police Constable/Head Constable on completion of 10/5 years and to upgrade as Special Sub Inspector of Police notionally with effect from the date of completion of 25 years and further promotion 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 petitioner was appointed as Grade-II Police Constable on



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13.07.1976 and he was upgraded as Grade-I Police Constable in the year 1994 and further upgraded as Head Constable during the year 1999. He was promoted to the post of Special Sub Inspector of Police in the year 2010 and thereafter, retired from service on 31.05.2012 on attaining the age of superannuation.

3.The grievance of the petitioner was that he was 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



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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 case of the writ petitioner deserves no further consideration and accordingly, this writ petition stands dismissed. No Costs.

20.10.2022

Index : Yes
Internet : Yes
Speaking order : Yes
ssr

(4/5)

To

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S.M.SUBRAMANIAM, J.

SSR

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