



W.P.No.26503 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.11.2022

CORAM

THE HONOURABLE MR.JUSTICE S.M.SUBRAMANIAM

W.P.No.26503 of 2018

P.Chellamuthu

...Petitioner

Vs.

1.The Secretary to Government
Home Department
Government of Tamil Nadu
Fort St. George
Chennai 600 009.

2.The Director General of Police
Kamarajar Salai
Mylapore
Chennai 600 004.

3.The Superintendent of Police
Namakkal District
Namakkal.

Respondents

Prayer : Writ Petition filed Under Article 226 of the Constitution of India, to issue a writ of Mandamus, directing the respondents to give notional promotion and retirement benefits in the light of G.O.Ms.No.844 Home Dept., dated 03.06.1997 and G.O.Ms.No.15 Home Dept., dated 07.01.2010.



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For Petitioner : Mr.C.Prabhakaran
For Respondents : Mr.S.Rajesh for 1 to 3
Government Advocate

ORDER

This petition had been filed to direct the respondents to give notional promotion and retirement benefits in the light of G.O.Ms.No.844 Home Dept., dated 03.06.1997 and G.O.Ms.No.15 Home Dept., dated 07.01.2010.

2.The petitioner was enlisted as Police Constable on 14.01.1974 and he worked in Namakkal District and got retirement on 31.03.2006 as Head Constable. The grievance of the petitioner is that he had served more than 32 years in the Tamil Nadu Police Department, but he was not given promotion as Special Sub Inspector of Police, within the prescribed time.

3.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



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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 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 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
ssr



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S.M.SUBRAMANIAM, J.

SSR

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