



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:06.04.2022

CORAM:

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

WEB COPY

W.P. (MD)No.2870 of 2019

&

WMP (MD)No.2167 of 2019

C.Chellam

... Petitioner

Vs.

1. The Government of Tamil Nadu
represented by its Home Secretary,
Fort St.George, Chennai.

2. The Director General of Police,
Mylapore, Chennai.

3. The Commissioner of Police,
Madurai City, Madurai.

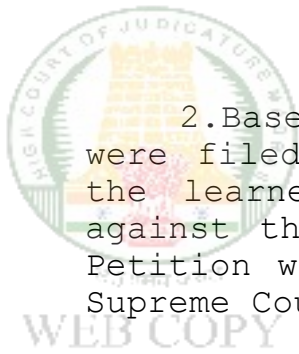
... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to the impugned order of the 3rd respondent dated 21/12/2017 in C.No.A1/19691/411/2017 and quash the same as illegal in so far as the petitioner concerned and consequently direct the respondents to upgrade the petitioner as Special Sub Inspector of Police with effect from the first of the month succeeding the date of completion of 25 years of service and also to pay all the monetary and pensionary benefits as per 6th pay commission recommendations within a short frame.

For Petitioner	: Mr.K.Chengiz Khan
For Respondents	: Mr.A.K.Manikkam, Special Government Pleader

ORDER

The relief sought for in theses writ petitions is to quash the impugned order of the third respondent dated 21/12/2017 in C.No.A1/19691/411/2017 and consequently to direct the respondents to upgrade the petitioner as Special Sub Inspector of Police with effect from the first of the month succeeding the date of completion of 25 years of service and also to pay all the monetary and pensionary benefits as per 6th pay commission recommendations.



2. Based on such notional promotion, a batch of writ petitions were filed with the similar claim for retrospective promotion and the learned counsel for the petitioners made a submission that against the judgment of the Hon'ble Division Bench, Special Leave Petition was filed and the matter is subjudiced before the Hon'ble Supreme Court of India.

3. However, the learned Special Government Pleader appearing for the respondents made a submission that during the pendency of the Special Leave Petition before the Hon'ble Supreme Court of India, the Hon'ble Full Bench of this Court decided the issue and delivered the judgment on 04.02.2022 as follows:

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. As per the judgment of the full bench, the judgment in V.Samy case was held as the law not correctly lay down and the judgment in V.Ramachandran case, is upheld by the Hon'ble Full Bench of this Court. However, it is contended that against V.Ramachandran case, Special Leave Petition was filed and the same is subjudiced before the Hon'ble Supreme Court of India.

5. In view of the facts and circumstances, the judgment of the Full Bench upholds and as of now Special Leave Petition in V.Ramachandran case is pending before the Hon'ble Supreme Court of India. If at all any orders are passed by the Hon'ble Supreme Court of India in the said case, and if any benefit is granted, the



petitioner is at liberty to approach the competent authorities for redressal of his grievances. However, as of now, the judgment of the Full Bench of this Court, dated 04.12.2022, is to be followed in all respects.

6. With the above observations, this Writ Petition is disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (RTI)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Home Secretary,
Government of Tamil Nadu,
Fort St.George, Chennai.
2. The Director General of Police,
Mylapore, Chennai.
3. The Commissioner of Police,
Madurai City, Madurai.

+1 CC to M/s.SPL.GP (SR-17194[F] dated 07/04/2022)

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&

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MGJ(28.04.2022) 3P 5C