



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.15430 of 2019

Jeyavel

... Petitioner

Vs.

1. The Secretary to the Government,
Home Police Department,
Fort George, Chennai.

2. The Director General of Police,
Chennai.

3. The Inspector General of Police,
South Zone,
Ramanathapuram.

4. The Superintendent of Police,
Sivagangai District.

... Respondents

PRAYER: Writ Petition under Article 226 of the Constitution of India, to issue a Writ of Mandamus, directing the respondents herein to pay my monthly pension to me by calculating the same by taking into consideration my scale of pay in the post of Special Sub Inspector of Police as on 31.01.2010 i.e. the date of my retirement and also pay all the arrears with regard to my salary, provident fund, arrears of salary and others payments by calculating the same on the basis of my pay scale in the post of Special Sub Inspector within the time fixed by this Hon'ble Court.

For Petitioner	: Mr.B.Santhanam Rajeshkumar
For Respondents	: Mr.Ramesh Government Advocate

ORDER

The relief sought for in this writ petition is to direct the respondents to pay the petitioner's monthly pension to him, by calculating the same by taking into consideration his scale of pay in the post of Special Sub Inspector of Police as on 31.01.2010 i.e. the date of his retirement and also pay all the arrears with regard to his salary, provident fund, arrears of salary and others payments, by calculating the same, on the basis of his pay scale in the post of Special Sub Inspector.



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 Government Advocate 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.

Sd/-

Assistant Registrar (CS I)

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/ /2022

Sub Assistant Registrar(CS)

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To

1. The Secretary to the Government,
Home Police Department,
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2. The Director General of Police,
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3. The Inspector General of Police,
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Ramanathapuram.

4. The Superintendent of Police,
Sivagangai District.

+1 CC to M/s.SPL.GP (SR-17146[F] dated 07/04/2022)

W.P. (MD)No.15430 of 2019

06.04.2022

MGJ(26.04.2022) 3P 6C