



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

**BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT**

**DATED : 29.09.2022**

**CORAM**

**THE HONOURABLE MRS.JUSTICE S.SRIMATHY**

**W.P.(MD).Nos.1916, 1918, 9863 and 9864 of 2015**

W.P.(MD).No.1916 of 2015:

P.Ramu

... Petitioner

**Vs.**

1.The Government of Tamil Nadu,  
Represented by its Secretary to Home Department,  
Fort St.George,  
Chennai – 600 009.

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

3.The Commissioner of Police,  
Madurai City.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order passed by the third respondent in C.No.A1/4866/2014 dated on 08.12.2014 and quash the same and consequently direct the respondents no.2 & 3 to fix the seniority and give the notional promotion with monetary benefits to the petitioner.



WEB COPY



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

For Petitioner : Mr.A.Chandra Kumar  
For Respondents : Mrs.D.Farjana Ghoushia  
Special Government Pleader

W.P.(MD).No.1918 of 2015:

T.Siluvai Mani ... Petitioner  
Vs.

1.The Government of Tamil Nadu,  
Represented by its Secretary to Home Department,  
Fort St.George,  
Chennai – 600 009.

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

3.The Superintendent of Police,  
Virudhunagar District. ... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the Impugned Order passed by the third respondent in C.No.A1(2)/52541/2012 dated on 01.10.2014, and quash the same and consequently direct the Respondents No.2 & 3 to fix the seniority and give the notional promotion with monetary benefits to the petitioner.

For Petitioner : Mr.A.Rajaram  
For Respondents : Mrs.D.Farjana Ghoushia  
Special Government Pleader



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

W.P.(MD).No.9863 of 2015:

WEB COPY

R.Piramanayagam

... Petitioner

**Vs.**

1.The State of Tamil Nadu,  
Represented by its Home Secretary,  
Fort St.George,  
Chennai – 600 009.

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

3.The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to confer notional promotion to the petitioner as Grade I-Constable with effect from 18.11.1987 and as Head Constable with effect from 18.11.1992 and Special Sub Inspector of Police with effect from 18.11.2002 and to pay the consequential monetary benefits by considering the representation preferred by the petitioner on 06.06.2015 in the light of order passed by this Court in WP(MD)No.2989 of 2011.

For Petitioner : Mr.H.Mohammed Imran  
for M/s.Ajmal Associates

For Respondents : Mrs.D.Farjana Ghoushia  
Special Government Pleader



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

W.P.(MD).No.9864 of 2015:

R.Raju

... Petitioner

**Vs.**

1.The State of tAmil Nadu,  
Represented by its Home Secretary,  
Fort St.George,  
Chennai – 600 009.

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

3.The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.

... Respondents

**Prayer** : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondents to confer notional promotion to the petitioner as Grade-I Constable with effect from 18.11.1987 and as Head Constable with effect from 18.11.1992 and Special Sub Inspector of Police with effect from 18.11.2002 and to pay the consequential monetary benefits by considering the representation preferred by the petitioner on 06.06.2015 in the light of order passed by this Court in WP(MD)No.2989 of 2011 and pass orders in accordance with law within the time that may be stipulated by this Court.

For Petitioner : Mr.H.Mohammed Imran  
for M/s.Ajmal Associates

For Respondents : Mrs.D.Farjana Ghoushia  
Special Government Pleader



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

### **COMMON ORDER**

WEB COPY

The Writ Petitions have been filed for granting notional promotion and monetary benefits to the petitioners.

2. When the writ petitions were taken up for hearing, the learned Special Government Pleader appearing for the respondents submitted that the issue of granting upgradation / promotion to the next level in the Police Department was considered by the Hon'ble Full Bench of this Court vide order dated 04.02.2022 passed in *State of Tamil Nadu and others Vs. C. Srinivasan (W.A. Nos. 3748 of 2019 batch order dated 04.02.2022)* reported in *2022 (1) CTC 833*. The issue that was referred is whether the upgradation/promotion to the next level can be granted only on completion of qualifying service as prescribed by the relevant Government Orders or can it be granted as deemed upgradation or deemed promotion. The Hon'ble Full Bench has held that the proposition laid down in the case of *The Principal Secretary to Government Vs. V.Ramachandran and others [Review Application Nos.70 to 79 etc. of 2015 dated 22.03.2017]* has laid down the correct proposition of law. The judgment rendered in the case of *The Government of Tamil Nadu represented by Home Secretary Vs. V.Samy and others [W.A.(MD).No.1506 of 2011 etc. batch dated 17.06.2013]*, did not lay down correct proposition of law and the Hon'ble Full



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

Bench overruled the judgment of Sami's case (stated supra). The Hon'ble Full Bench has held that there is no question of deemed upgradation or deemed promotion and the benefit can be extended only on completion of qualifying service in each level. The relevant portion of the order is extracted 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 dealt with the Government orders in its proper perspective and the judgment in V.Samy case is hereby overruled.”*



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

WEB COPY

3. Following the Hon'ble Full Bench Judgment, the Hon'ble Division Bench in W.A.Nos.3748 of 2019 etc., batch has allowed the Writ Appeals filed by the State.

4. At this juncture, the learned counsel appearing for the petitioners submitted that against the judgment of Ramachandran case (stated supra), S.L.P. No(s).6980 to 6996 of 2018 was filed and the case is pending. The Learned Special Government Pleader submitted that the similar plea was submitted before the Learned Single Judge while considering the case filed in W.P.(MD).No.17111 of 2019, wherein, the said Writ Petition was dismissed vide order dated 02.03.2022 and the relevant portion is extracted hereunder:

*“3. However, this Court is of the considered opinion that in the event of disposal of the Special Leave Petition by the Hon'ble Supreme Court of India, if any benefit is granted, thereafter, the petitioner is at liberty to claim the same based on the judgment to be passed by the Hon'ble Supreme Court of India”.*

5. Hence, following the judgment dated 04.02.2022 of the Hon'ble Full Bench and the judgment dated 15.03.2022 rendered by Hon'ble Division Bench in W.A.Nos.3748 of 2019 etc., batch and the judgment rendered in W.P.(MD).No.17111 of 2019 by Learned Single Judge, this Court is inclined to



W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015

dismiss the present Writ Petitions. Hence, these Writ Petitions are dismissed.

However, if any benefit is granted in Special Leave Petition by the Hon'ble Supreme Court, the petitioners are at liberty to claim the same after the disposal of the SLP. There shall be no order as to costs.

**29.09.2022**

Index : Yes / No  
Internet : Yes/ No  
Nsr  
To

- 1.The Secretary to Home Department,  
The Government of Tamil Nadu,  
Fort St.George,  
Chennai – 600 009.
- 2.The Director General of Police,  
Kamarajar Salai,  
Mylapore,  
Chennai – 600 004.
- 3.The Commissioner of Police,  
Madurai City.
- 4.The Superintendent of Police,  
Virudhunagar District.
- 5.The Superintendent of Police,  
Tirunelveli District,  
Tirunelveli.



**W.P.(MD).Nos.1916,1918,9863 and 9864 of 2015**

**S.SRIMATHY, J.**

Nsr

**W.P.(MD).Nos.1916, 1918, 9863 and 9864 of 2015**

**29.09.2022**