



W.P.No.12520 of 2013

THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04.07.2023

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.No.12520 of 2013

S.Pasupathi

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Petitioner

Vs

1. The State of Tamil Nadu
Rep. by its Secretary to Govt.,
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,
Thiruvarur District,
Thiruvarur.

4. The Accountant General (Accounts & Entitlement),
Pension Section – 15,
361, Anna Salai, Chennai – 600 018.

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Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India praying to issue Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection of upgradation passed in Na.Ka.No.A1/8711/2012 dated 07.03.2013 and quash the same and consequently direct the



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respondents to revise the pension and other retirement benefits by advancing the upgradation as Grade-I Police Constable and Head Constable on completion of 10 years and 5 years respectively and upgrade to the higher posts notionally in the light of Government Orders and orders made by this Court in W.P.No.11544 to 11550 of 2012 dated 28.06.2012 which were extended to petitioner's juniors within the time limit stipulated by this Court.

For Petitioner	:	No appearance
For R1 to R3	:	Ms.Akhila Rahendran Government Advocate
For R4	:	Mr. V.Murali

ORDER

This Writ Petition has been filed for issuance of Writ of Writ of Certiorarified Mandamus to call for the records on the file of the 3rd respondent in connection with the impugned order of rejection of upgradation passed in Na.Ka.No.A1/8711/2012 dated 07.03.2013 and quash the same and consequently direct the respondents to revise the pension and other retirement benefits by advancing the upgradation as Grade-I Police Constable and Head Constable on completion of 10 years and 5 years respectively and upgrade to the higher posts notionally in the light of Government Orders and orders made by this Court in W.P.No.11544 to 11550 of 2012 dated 28.06.2012 which were extended to petitioner's juniors within the time limit stipulated by this Court.



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2. The petitioner sought for upgradation of his seniority and promotion to the post of Sub-Inspector of Police, after his retirement from service on voluntary. Initially, the petitioner was appointed as Grade-II Police Constable on 16.04.1973 and further upgraded as Grade-I Police Constable on 20.02.1993. Thereafter, he was upgraded as Head Constable on 09.01.1998 and he was retired from service on 30.01.2002 by availing Voluntary Retirement Scheme.

3. The only ground raised by the petitioner was that there were stagnation in the post of Grade-II and Grade-I Police Constable and there were time bound promotions which were affecting the rights of the service individually. As per G.O.Ms.No.844, Home Department, dated 03.06.1997, the Government have commenced the upgradation scheme in a time bound manner, in respect of police personnel that the Grade-II Police Constable, those who had completed 10 years of service, were ordered to be upgraded as Grade-I Police Constable and Grade-I Police Constable, who had completed 15 years of service to be upgraded as Head Constable. Subsequently, it was modified on condition that effect of 15 years of service into 5 years of



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service as Grade-I Constable for upgradation to the post of Head Constable. Whereas, the petitioner was upgraded to the post of Head Constable as per the substituting Rules and he was retired on Voluntary Retirement Scheme.

4. Further as per the subsequent G.O.Ms.No.1247, Home (Police V) Department, dated 28.10.2004, the petitioner is not applicable to consider him for upgradation to the post of Sub Inspector. Hence, the third respondent has rightly rejected the request of the petitioner and this Court finds no infirmity or illegality in the impugned order dated 07.03.2013 in Na.Ka.No.A1/8711/2012. Accordingly, this Writ Petition stands dismissed. There shall be no order as to costs.

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Internet: Yes
Index: Yes/No
Speaking/Non-speaking order
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To

WEB COPY

1. The Secretary to Govt.,
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Home Department, Fort St George,
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G.K.ILANTHIRAIYAN, J.

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