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W.P.Nos.13540 of 2013 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.08.2023

CORAM:

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

W.P.Nos.13540 to 13545 & 13547 to 13551 of 2013

WP.No.13540 of 2013

M.Sakthivel

... Petitioner

Vs.

1. The Secretary to the Government,
Home (Police-V) Department,
Fort St. George, Chennai-9.
2. The Director General of Police,
Mylapore, Chennai-4.
3. The Superintendent of Police,
District Police Office,
Thanjavur.

... Respondents

PRAYER: Writ petition is filed under Article 226 of the Constitution of India to issue a writ of Certiorarified Mandamus, to call for the records of the 3rd respondent herein in Na.Ka.No.A1/8352/2013 dated 25.03.2013 and quash the same and consequently direct the respondents herein to revise and regularize the service seniority and give the petitioner, notional promotion with all monetary benefits.



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For Petitioners
in all WPs : Mr.S.V.Karthikeyan

For Respondents
in all WP's : Mr.V.Veluchamy,
Additional Government Pleader

COMMON ORDER

All these writ petitions have been filed challenging the order of rejection of their representations seeking revise and regularize their service seniority and notional promotion with all monetary benefits as per the Government Order in G.O.Ms.No.844 dated 03.06.1997.

2. The petitioners in all the writ petitions were already retired from their respective service as Special Sub Inspector of Police. The grievance of the petitioners is that though they completed more than 25 years of service as Police Constable, Grade-I, Grade-II and Head Constable, they were not promoted immediately after completion of their 25th year of service as per the G.O.Ms.No.844 dated 03.06.1997.



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3. On perusal of the G.O.Ms.No.844 dated 03.06.1997, it has fixed the norms for promotion of those who had served the Department as Grade-I constable for the period of 15 years shall be promoted as Head Constable within a period of five years and the persons, who were worked as Grade-II for a period of 10 years shall be promoted as Grade-I constable within a period of five years. After completion of 25 years, they shall be promoted to the post of Special Sub Inspector of Police. However, the petitioners were not given promotion immediately after completion of their 10 years service to the post of Grade-I constable and after completion of their 15 years service, they were not given promotion to the post of Head Constable. Though all the petitioners retired from their respective service, they submitted the representation seeking notional promotion with all monetary benefits, which was rejected on the ground that the Government Order does not mandate that those who were completed 10 years of service as Grade-II police constable shall be promoted to the post of Grade-I constable and those who were completed 15 years of service as Grade-I Constable shall be promoted to the post of Head Constable.



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4. On perusal of the counter affidavit filed by the 3rd respondent revealed that subsequent to the G.O.Ms.844 dated 03.06.1997, another order was passed in G.O.Ms.15, Home (Pol.5) Department dated 07.01.2010 and ordered to upgrade the Police personnel, who had completed 10 years of service as Gr.I Police Constable, 15 years of service as Head Constable and 25 years of service as Special Sub Inspector of Police. In the said order, some cut of date also was fixed in the date of recruitment. Therefore, no instructions were issued to order upgradation by taking into date of recruitment as contended by the petitioners.

5. The Government Order is very clear that those who completed their service as Grade-II police constables shall be promoted to the post of Gr.I Police Constable and after completion of 15 years of their service, they shall be promoted to the post of Head Constable and after completion of 25 years of service, they shall be promoted to the post of Special Sub Inspector of Police.

6. In the light of the above, the impugned orders in all the writ petitions are quashed. The 3rd respondent is directed to pass fresh orders in



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view of the Government Orders referred above, within a period of twelve(12) weeks from the date of receipt of a copy of this order.

7. Accordingly, all the writ petitions are Allowed. There shall be no order as to costs.

02.08.2023

Index :Yes/No

Internet : Yes/No

Speaking order/non-speaking order

kmi

To

1. The Secretary to the Government,
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