



W.P.No.2563



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 01.11.2023

CORAM:

THE HON'BLE MR.JUSTICE K.KUMARESH BABU

W.P.No.25635 of 2010

R.Sumathi

...Petitioner

vs.

1.Secretary to Government,
Home Department,
Fort St.George,
Chennai – 600 009.

2.Director General of Police,
Chennai – 600 004.

3.Superintendent of Police,
'Q' Branch CID, Chennai.

4.Superintendent of Police,
Krishnagiri District.

...Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, to call for the records relating to the impugned order passed by the second respondent herein in his proceedings Rc.No.132579/NGB I(2)/2009 dated 20.03.2010 and quash the same and consequently direct the first and second respondent herein to confer one stage accelerated promotion and cash reward, in the light of G.O.Ms.No.1074, Home



(Police VIII), Department dated 07.11.2006, G.O.Ms.No.282 Home (Prison.I)

Department dated 20.02.2007 and based on the report of the third respondent in C.No.25/SP/QB/Camp/2008 dated 17.09.2008 together with all consequential service and monetary benefits or issue any other appropriate Writ, Order, Direction in the nature of a Writ or another appropriate relief.

For Petitioner : Mr.G.Bala
for M/s.Bala & Daisy

For Respondents : Mr.S.Ravichandran for R1 to R4
Additional Government Pleader

ORDER

The Writ Petition has been filed challenging the order passed by the second respondent rejecting the claim of the petitioner for accelerated promotion.

2.Heard Mr.G.Bala, learned counsel appearing for the petitioner and Mr.S.Ravichandran, learned Additional Government Pleader appearing for the respondents.

3.Learned counsel appearing for the petitioner would submit that the petitioner joined the Police Department as a Grade II Constable in the year 1997 and thereafter had been promoted as a Grade I Constable. While she was working at Krishnagiri Armed Reserve, she was assigned to collect information



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about the notorious Forest Brigand Veerappan. Not only the petitioner but also her husband was forced to shift their residence to a village where Muthulakshmi, the wife of the Forest Brigand was residing. She was assigned with the task of collecting information with regard to the movements of the Forest Brigand and his associates through the said Muthulakshmi. The petitioner under disguise had collected various information and had transmitted them to the respective Police Officers.

4.He would further submit that after the Forest Brigand was gunned down, the Government had accorded accelerated promotions under various Government Orders to various Police personnel who were involved in the task of eliminating the Forest Brigand and his associates. Wanting to be bestowed with the same benefits, the petitioner had made various representations to the Authorities. But, however, by order dated 20.03.2010, the second respondent had rejected the request of the petitioner. The reasons assigned in the impugned order was that the petitioner belonged to the Q Branch CID and therefore, she was bound to perform her duties in the given circumstances and the personnel attached to the Q Branch CID were only given such special nature of assignments. The other reason given was that by G.O.(Ms)No.769 Home (Police-XI) Department dated 11.07.2008, the scheme of accelerated promotion had been scrapped.



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5.Learned counsel appearing for the petitioner would submit that the reasons assigned in the impugned order, is wholly without merits. As regards the first reason assigned in the rejection order, he would submit that a similarly placed persons who were working in the Q Branch was given accelerated promotions. Under G.O.Ms.No.1074, Home (Police VIII), Department dated 07.11.2006, one Rajavel, who was working as a Sub Inspector of the Special Branch in the then Periyar District who was also involved in information collection through sources was given an accelerated promotion. Therefore, the petitioner is also similarly placed and the reasons assigned by them is discriminatory and arbitrary. Secondly, he would submit that the Government has acquiesced itself in not following G.O.(Ms)No.769 Home (Police-XI) Department dated 11.07.2008. According to him, the said Government Order had been considered by a learned Single Judge of this Court and had been held that the right of accelerated promotion had accrued to the similarly placed persons prior to the issuance of the aforesaid order and therefore, she would be entitled to be granted promotion.

6.He would further submit that the aforesaid order had been affirmed by a Division Bench of this Court in W.A.No.736 of 2014 dated 04.08.2014 and pursuant to the said order without preferring any further appeal, the Government had implemented the promotion and had given accelerated promotion. He



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would also further rely upon a Division Bench Judgment in W.A.Nos.552 to 557 of 2015 dated 02.07.2015, where a Division Bench of this Court had upheld such direction for giving accelerated promotion which was also affirmed by the Hon'ble Apex Court in its order dated 08.12.2017 and thereafter such direction had also been implemented. Therefore, he would submit that both the reasons assigned by the Government are contrary.

7.Countering his arguments, Mr.S.Ravichandran, learned Additional Government Pleader appearing for the respondents would submit that the petitioner was working in the Q Branch, which is a Special Branch specially assigned with special nature of work which involves various risks. The duty assigned to the petitioner was a regular duty which a Q Branch personnel would have to perform and there was no special task that had been performed by the petitioner as in other cases to claim promotion.

8.He would further submit that since there were various claims of Police personnel who were not actually involved in the direct operation of securing/eliminating the Forest Brigand started to make claims for accelerated promotion based upon the promotion given to the direct personnel involved in the operation, the Government had taken a Policy Decision to scrap the Policy of accelerated promotion. In such a view, the Government had issued a



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Government Order in G.O.(Ms)No.769 Home (Police-XI) Department dated 11.07.2008 based upon the recommendations made.

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9.He would further submit that by a further Government Order in G.O.(Ms.)No.805 Home(Pol.V) Department dated 07.10.2013, the Government on consideration of various representations had reintroduced the accelerated promotion for Police personnel who performed acts of extraordinary bravery and valour when engaged in their efforts to apprehend and deal with hardcore criminals, terrorists and other anti-social elements so as to recognize their service and that it had constituted a Committee for awarding accelerated promotion and therefore, he would submit that the petitioner if at all aggrieved, may approach the said Committee seeking for accelerated promotion.

10.I have considered the rival submission made by the learned counsel appearing on either side and perused the materials available on record.

11.It is an admitted case that the petitioner had been working as a Constable in Q Branch, when she had been assigned with the duty of collecting information of the movements about the Notorious Forest Brigand. Various accelerated promotions had been given to the Police personnel who had been actively involved in securing/eliminating the Forest Brigand.



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12.From the Government Order pointed out by the learned counsel appearing for the petitioner, it is seen that one Rajavel who was working as then Sub Inspector of the Special Branch who was also directly not involved in the task force but who was also assigned in the task of getting information of movements of the said Forest Brigand had been given accelerated promotion. In the present case, the claim of the petitioner is that she had moved to a village in disguise along with her husband to be in contact with the wife of the Forest Brigand to secure information.

13.I am of the view that she had taken a larger risk and performed a better duty than the said Rajavel and therefore, her claim cannot be rejected on the basis that it is her regular task that should be performed by a Q Branch. If such a decision is taken, the same would be arbitrary and discriminatory and violation of principles of Article 14 of the Constitution. Therefore, the said ground upon which the claim of the petitioner had been rejected is interfered with.

14.Coming to the second ground on which the request of the petitioner has been rejected no longer subsist. It may be true that the Government even during the subsistence of the said Government Order had granted promotions to various Police personnel pursuant to the directions issued by the Court. But, the Government had taken a Policy Decision in G.O.(Ms.)No.805 Home(Pol.V)



Department dated 07.10.2013 to recognize the Police personnel who had performed acts of extraordinary bravery and valour when engaged in their efforts to apprehend and deal with hardcore criminals, terrorists and other anti-social elements and had constituted a Committee for that purpose.

15.Since I have already found that the factual reasons assigned by the Government is discriminatory as being violation of principles of Article 14 of the Constitution of India. I hereby direct the petitioner herein to make a suitable representation to the Committee constituted by the Government under the aforesaid Government Orders within a period of two weeks from the date of receipt of a copy of this order and the said Committee shall consider the case of the petitioner within a period of six weeks thereafter and pass appropriate orders within the said period.

16.With the aforesaid directions, the impugned order passed by the second respondent is set aside and the Writ Petition is accordingly allowed. There shall be no order as to costs.

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Index: Yes/No
Speaking order: Yes/No
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To

- 1.The Secretary to Government,
Home Department,
Fort St.George,
Chennai – 600 009.
- 2.The Director General of Police,
Chennai – 600 004.
- 3.The Superintendent of Police,
'Q' Branch CID, Chennai.
- 4.The Superintendent of Police,
Krishnagiri District.

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K.KUMARESH BABU, J.

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