



W.P.Nos.30404 & 30406 of 2013

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Orders reserved on 20.02.2022

Orders delivered on 08.03.2023

CORAM :

THE HONOURABLE MRS.JUSTICE **J.NISHA BANU**

W.P.Nos.30404 & 30406 of 2013

and

M.P.Nos.1 and 2 of 2013

M.S.Murugan .. Petitioner in W.P.No.30404 of 2013

V.Ravichandran .. Petitioner in W.P.No.30406 of 2013

Vs

1. The Government of Tamilnadu
rep. by its Secretary to Government,
Home (Police III) department,
Fort St.George,
Chennai - 600 009.

2. The Director of General of Police,
Chennai - 600 004.

3. The Commissioner of Police,
Coimbatore City, Coimbatore.

..Respondents.

PRAYER: Writ Petitions filed under Article 226 of the Constitution to issue



W.P.Nos.30404 & 30406 of 2013

a Writ of Certiorarified Mandamus to call for the records of the respondents especially the 1st respondent relating to his proceedings made in G.O.(D) No.547 Home (Police-III) Department dated 16.07.2013 and quash the same and consequently direct the respondents to promote the petitioner as Sub-Inspector of Police with effect from 27.02.2001, the date of acknowledging the petitioner's eligibility, outstanding performance, devotion to duty etc. in all aspects as a member of 14 members 'City Special Team' constituted by the 3rd respondent on 14.03.1998 for Accelerated Promotion by the 3rd respondent with all service and monetary benefits.

For Petitioner	: Mr. A.Amalraj
For Respondents	: Mr.P.Kumaresan, Additional Advocate General assisted by Mr.S.Ravichandran Additional Government Pleader

COMMON ORDER

These writ petitions have been filed challenging the order passed by the 1st respondent in G.O.(D).No.547 Home (Police III) Department dated 16.07.2013 and to direct the respondents to promote the petitioner as Sub-Inspector of Police with effect from 27.02.2001, the date of acknowledging the petitioners' eligibility, outstanding performance, devotion to duty etc. in



W.P.Nos.30404 & 30406 of 2013

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all aspects as a member of the 14 members 'City Special Team' constituted by the 3rd respondent on 14.03.1998 for Accelerated Promotion by the 3rd respondent with all service and monetary benefits.

2. i) The brief facts of the case of the petitioners are that they were appointed as Grade II Police Constable and posted at 'Coimbatore City Armed Reserve' Police Force and subsequently, promoted as Grade-I Police Constable and then as Head Constable and thereafter, as Special Sub-Inspector of Police. The Government of Tamil Nadu have taken a policy decision to award accelerated promotions to the police officials who have performed exceptional brilliance in the performance of their duty and the said promotion policy stood in force till the said scheme was scrapped pursuant to G.O.Ms.No.769 Home Police XI Department dated 11.07.2008. By enforcing the same, number of promotions have been given to the Police officials who have done exception & brilliant performances.

ii) Whiles, City Special Team was formed on 14.03.1998 in the City of Coimbatore under the supervision of the then Commissioner of Police, Coimbatore City, to nab the absconding Al-Umma and PDP Fundamentalists



W.P.Nos.30404 & 30406 of 2013

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responsible for the serial bomb blasts that rocked the Coimbatore City in February, 1998 and also to provide advance intelligence inputs to defeat the game plans of the fundamentalists. The petitioners name were found in the said 14 members squad as Head Constables. They have spent sleepless nights, performed day and night duties, travelled throughout the State of Tamilnadu, besides Kerala and Andhra Pradesh, with other team members and arrested as many as 192 cadres including 4 terrorists. In appreciation of their sincere, efficient and dedicated service, the then Commissioner of Police, by proceedings dated 27.02.2001, has submitted his report for recommending their name along with others for accelerated promotion.

iii) Thereafter, the Commissioner of Police Coimbatore City vide proceedings dated 08.05.2001 has forwarded his report to the Director General of Police recommending the petitioners name along with other members who participated in City Special Team for accelerated promotion. As no further action was taken, the successor in office vide proceedings dated August 2002 addressed to Director General of Police, recommended for accelerated promotions, but the second respondent has not taken any



W.P.Nos.30404 & 30406 of 2013

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steps. Thereafter, the Inspector General of Police, pursuant to proceedings dated 10.01.2005, once again made recommendation before the 2nd respondent for the petitioners' accelerated promotion along with other members participated in City Special Team.

iv) While so, the 1st respondent has denied to sanction accelerated promotion not only saying that the Accelerated Promotion Scheme itself has been scrapped, but also saying as if they were given Chief Minister's Constabulary medal in the year 2002 appreciating their outstanding devotion to duty, particularly, appreciating their bravery and commitment in arresting terrorist groups along with Police Personnel. The said decision is contrary to the assurance already made and at the same time, the first respondent has denied equal opportunity on par with other similarly placed Police Personnel who were given not only accelerated promotions in identical circumstances, but money rewards and medals also.

v) Therefore, the petitioners filed W.P.No.30155 and 30156 of 2008 before this Court to quash the proceedings of the 1st respondent made in S.No.5, Rec.No.58 & para No.5.34 of G.O.Ms.No.769 Home (Police XI)



W.P.Nos.30404 & 30406 of 2013

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Department dated 11.07.2008 and the consequential proceedings of the 3rd respondent dated 12.09.2008 and sought for promotion as Sub-Inspector of Police with effect from 27.02.2001, the date of acknowledging the eligibility outstanding performance, devotion to duty etc. for accelerated promotion with all service and monetary benefits.

vi) Though this Court refused to quash a portion of G.O.Ms.No.769 ordering for the scrapping of Accelerated Promotions with effect from the date of the said G.O. viz., 11.07.2008, but remitted the matter back to the respondent to consider their case with reference to the rules which were in force on the date on which the work was executed and recommendations were made, within a period of 8 weeks from the date of receipt of a copy of the order. The petitioners also made individual representation dated 27.12.2011 enclosing a copy of the order of this Court to issue orders for accelerated promotion. But the 1st respondent issued the impugned order dated 16.07.2013 rejecting their claim for accelerated promotion as Sub-Inspector of Police with effect from 27.02.2001 stating that the petitioners have been rewarded adequately for their efforts by the award of the Tamil



W.P.Nos.30404 & 30406 of 2013

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Nadu Chief Minister's Medal and that there is no sufficient materials available to quantify individual endeavour, as the whole exercise was a team effort. Hence, these writ petitions with the aforesaid relief.

3. Heard the learned counsel for the petitioners and the learned Additional Advocate General appearing for the respondents.

4. i) Learned counsel for the petitioners would submit that the 1st respondent had accepted the order passed by this Court in W.P.No.30156/2008 agreeing to consider without challenging the validity of the order/findings, and therefore, is bound to consider the same in a proper perspective. This Court, by order dated 13.10.2011, has made it clear that the petitioners claim for accelerated promotion was with regard to their excellent work relating to tracing the culprit connected with bomb blast that had taken place in the year 1998 at Coimbatore. Recommendations for accelerated promotions were made before the date of the impugned order in the writ petition i.e., in the year 2002 and also in the year 2005. Therefore, based on G.O.Ms.No.769 dated 11.07.2008, the claim of the petitioners cannot be rejected. The denial of equal opportunity in the case of the



W.P.Nos.30404 & 30406 of 2013

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petitioners, 10 years after their legitimate claim for accelerated promotion on par with others, is discriminative in nature.

ii) Learned counsel would further submit that once this Court has set aside the stand taken by the respondents that accelerated promotion scheme was in operation, when the performance was made by the petitioners, a fresh stand alleged to have been taken by the Board members of the Accelerated Promotion Board is not only contemptuous in nature, but opposed to public policy and denial of equal opportunity in public employment.

iii) Learned counsel would further submit that the 1st respondent, as and when issued various Government orders, ordering for accelerated promotions to the team of Police Personnel in arresting Imam Ali & his associates of JIHAD Killer gang involved in RSS Office bomb blast case, nabbing of LTTE escapee, courage and heroism displayed by Police Personnel in an encounter of the notorious dangerous criminal Asaithambi and also in the case of apprehending Forest Brigand Veerappan & his associates, relaxing the relevant rules in their favour, apart from giving them cash awards, medals etc. The above cases are only samples but in several



W.P.Nos.30404 & 30406 of 2013

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cases, accelerated promotions were given from lower level officers to high ranking Police personnel in arresting hard-core criminals, terrorist groups etc. Thus, the sincere efforts made by these petitioners along with others as a team cannot be underestimated.

iv) Learned counsel would further submit that once this Court has issued remittance order with stipulation as to how to consider, the first respondent is bound to consider only with reference to the rules in force on the date on which the work was executed and not otherwise. The 1st respondent, while rejecting the petitioner's claim stating as if "the petitioner has ready been rewarded adequately for their efforts by the award of the TamilNadu Chief Minister's Medal and also on the ground that insufficient materials available to quantify individual endeavour as the whole exercise was a team-effort", ought to have seen that the said stand was already taken by the third respondent in the earlier writ petition in W.P.No.30156/2008 and the same has been ignored as irrelevant by this Court while passing orders, with stipulation to consider the petitioners' case for accelerated promotion in accordance with the rules prevalent when the works were



W.P.Nos.30404 & 30406 of 2013

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executed. Further, the delay would seriously affect their service career and hence, the learned counsel would pray to allow these writ petitions.

5. i) On the contrary, the learned Additional Advocate General appearing for the respondents would submit that that on 15.02.1998, a Police team consisting of 12 police personnel led by Commissioner of Police, Coimbatore City, conducted combing operation in sensitive places in Coimbatore City after serial bomb blasts that occurred at several places in Coimbatore City on 14.02.1998 causing death of 48 persons. Out of which, only 3 persons, viz., Tr.Chandrasekaran, Inspector of Police, B1((L&O), CBE City, SAF Hav.1172 Sivasakthi & SAF PC 1628 Pachiappan, sustained injuries during the course of operation and proposal had been sent to Government to give accelerated promotion vide office proceedings dated 14.05.1999. The Government issued accelerated promotion to Tr.Chandrasekaran, alone for his courageous action in G.O.Ms.No.928 Home (Pol.3) Dept., dated 01.07.1999. The Director General of Police Tamilnadu, Chennai has sent a proposal to Government to give accelerated promotion to Tr.M.Chandrasekaran, who was directly appointed as Sub



W.P.Nos.30404 & 30406 of 2013

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Inspector in the year 1996. The Government, after carefully examining the proposal accepted the proposal to give accelerated promotion in exercise of powers conferred under Rule 39 of the Special Rules for Tamil Nadu Police Subordiante Service and relaxing the Rule 3(b)(11) (a) and 3(e) in favour of Tr.Chandrasekaran, Sub Inspector of Police, as to enable him to be regularly appointed as Inspector of Police.

ii) Learned Additional Advocate General would further submit that subsequently, a 'special team' was formed on 14.03.1998 to nab the absconding Al-Umma and PDP fundamentalists who are responsible for the serial bomb blasts that rocked the Coimbatore City in February, 1998, and 14 police personnel have been deputed for special team, including the petitioners herein. Though the Special Team requested for accelerated promotion, they were not given accelerated promotion but awarded Chief Minister's Medal. Out of 14 police personnel in the special team formed on 14.03.1998, 5 police personnel including these petitioners filed W.P.Nos.30155 to 30158 of 2008 and 8717 of 2009 before this Court requesting accelerated promotion as Sub-Inspector of Police with effect from



W.P.Nos.30404 & 30406 of 2013

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27.02.2001. This Court passed an order on the said writ petitions by remitting back the matter to the respondent department to consider the case of the petitioners with reference to the rules which were in force on the date on which the work was executed and recommendations were made and to pass orders within a period of eight weeks.

iii) In obedience to the said order, an Accelerated Promotion Board Meeting was held on 11.07.2013 and the Board members were of the considered opinion that the individuals in question had been rewarded adequately for their efforts by the award of the Tamil Nadu Chief Minister's Medal. The members were also of the view that there was insufficient material available to quantify individual endeavor as the whole exercise was a team effect and the board unanimous opined that the request of the petitioners cannot be favourably considered. Hence, the request for accelerated promotion sought for by the petitioners was rejected vide G.O.(D) No.547 Home (Po..III) dept., dated 16.07.2013

iv) Learned Additional Advocate General would further submit that one of the members in the special team Tr.S.Muruganatham, filed



W.P.Nos.30404 & 30406 of 2013

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W.P.No.1002 of 2015 and this Court vide order dated 22.07.2002 rejected accelerated promotion by observing that 'even presuming that if a right is conferred, the benefit is to be granted only if the competent authorities is satisfied with the merits for the purpose of granting the accelerated promotion'. Therefore, once the Accelerated Promotion Board arrived at a conclusion that it was a team work and rejected the claim of all the other police officials, who have participated in the investigation work, then the petitioners' case alone cannot be considered separately and therefore, the case of petitioners was rightly rejected by the competent authorities. Hence, he would pray to dismiss the above writ petitions.

6. This Court considered the submissions made on either side and perused the materials available on record.

7. It is not in dispute that the petitioners/Head Constables were in the 14 members squad in the City Special Team which was formed on 14.03.1998 in the City of Coimbatore under the supervision of the then Commissioner of Police, Coimbatore City, to nab the absconding Al-Umma and PDP Fundamentalists responsible for the serial bomb blasts that rocked



W.P.Nos.30404 & 30406 of 2013

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the Coimbatore City in February, 1998, in which, they have gathered precise intelligence that averted major catastrophic blasts in three major cities such as Coimbatore, Chennai and Trichy. In appreciation of their sincere, efficient and dedicated service, the then Commissioner of Police, by proceedings dated 27.02.2001, has submitted his report for recommending their name along with others for accelerated promotion. Subsequently, the Commissioner of Police Coimbatore City vide proceedings dated 08.05.2001 has forwarded his report to the Director General of Police recommending the petitioners name along with other members participated in City Special Team for accelerated promotion. Subsequently, the Inspector General of Police, vide proceedings dated 10.01.2005, once again recommended before the 2nd respondent for the petitioners' accelerated promotion along with other members participated in City Special Team. But the 1st respondent denied to sanction accelerated promotion. Further, they were given Chief Minister's Constabulary medal in the year 2002 appreciating their outstanding devotion to duty, particularly, appreciating their bravery and commitment in arresting terrorist groups along with Police Personnel.



W.P.Nos.30404 & 30406 of 2013

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However, the grievance of the petitioner is that they were not awarded with accelerated promotion. The contention of the petitioner is that they have spent sleepless nights, performed day and night duties, travelled throughout the State of Tamilnadu besides Kerala and Andhra Pradesh with other team members and arrested as many as 192 cadres including 4 terrorists and hence, they should also be given accelerated promotions as given to the team of police personnels, who arrested Imam Ali & his associates of JIHAD killer gang involved in RSS office bomb blast case, who apprehended Forest Brigand Veerappan & his associates, who encountered the notorious criminal Asaithambi and also in the case of apprehending Forest Brigand Veerappan & his associates etc.

8. At this juncture, it is to be pointed out that accelerated promotion cannot be claimed as a matter of right. Once the Board assessed the merits of the case and made a finding, the same became final. This Court, by exercising the powers under Article 226 of the Constitution of India, cannot make an assessment with reference to the certificates, rewards issued for the performance of the works in the Police Department. This Court can only



W.P.Nos.30404 & 30406 of 2013

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scrutinize the process through which the decision is taken by the competent authorities, but not the decision itself. When the competent Accelerated Promotion Board formed an opinion regarding the entire work executed as it was a team work and the petitioners are also a part of it, then the petitioners cannot set out an independent claim for grant of accelerated promotion. As the power of judicial review in this kind of matter is very limited, only when there is violation of any statutory rules or tainted with malafides in the order passed by the competent authorities, this Court can interfere. Therefore, this Court finds no infirmity or illegality in the impugned order passed by the 1st respondent and both the writ petitions are liable to be dismissed.

9. In the result, both the Writ Petitions are dismissed. No costs
Consequently, connected miscellaneous petitions are closed.

08.03.2023

Index :Yes/No
Speaking/Non-speaking order
vsi



W.P.Nos.30404 & 30406 of 2013

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rep. by its Secretary to Government,
Home (Police III) department,
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2. The Director of General of Police,
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W.P.Nos.30404 & 30406 of 2013

J.NISHA BANU, J.

vsi

Pre-delivery order made in
W.P.Nos.30404 & 30406 of 2013