



WEB COPY



W.A.No.1708 of 2018

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 14.02.2023

CORAM:

THE HONOURABLE Mr.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE Mrs.JUSTICE K.GOVINDARAJAN THILAKAVADI

W.A.No.1708 of 2018

and

C.M.P.Nos.13650 and 13651 of 2018

1.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,
District Police Office,
Dharmapuri District.

...Appellants

Vs.

P.Kaliappan

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent Act, against the order dated 17.11.2015 made in W.P.No.36340 of 2015.

For Appellants : Mr.L.S.M.Hasan Fizal,
Additional Government Pleader

For Respondent : No appearance



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J U D G M E N T

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(Judgment was made by **R.SUBRAMANIAN, J.**)

The State is aggrieved by the direction issued to promote the respondent as Special Sub-Inspector of Police, notionally, on completion of 25 years of service.

2. The writ Court had followed the judgment of the First Bench in W.P.No.185 of 2012 and allowed the writ petition. However, the qualification for promotion as Special Sub-Inspector was subject matter of reference to a Full Bench, in view of the conflict of opinion in this regard.

3. The Hon'ble Full Bench in *The State of Tamil Nadu Represented by its Secretary to Government, Home Department Vs. C.Srinivasan in W.A.Nos.3748 of 2019 etc., batch dated 04.02.2022* reported in **2022 (1) CTC 833** has held that a person in order to be promoted as a Special Sub-Inspector from the post of Head Constable should have served for 10 years as Head Constable *dehors* his service in the lower posts viz., Grade-I Police Constable and Grade-II Police Constable. The view of the Division Bench which held that a total service of 25 years would be



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sufficient for the said promotion was not accepted by the Hon'ble Full Bench.

4. On facts we find that the petitioner was appointed as Grade-II Police Constable on 11.07.1973 was promoted as Grade-I Police Constable on 23.02.1993 and he was further promoted as Head Constable on 12.01.1998. Unfortunately, even before he could complete 10 years of service as Head Constable, he attained superannuation on 30.06.2007. Hence, he had not completed 10 years of service as a Head Constable. Therefore, he would not be entitled to promotion as Special Sub-Inspector, in view of the pronouncement of the Hon'ble Full Bench.

5. Hence, the writ appeal is **allowed** and the order of the writ Court is set aside. The writ petition will stand dismissed. No costs. Consequently, the connected miscellaneous petitions are closed.

(R.S.M., J.) (K.G.T., J.)
14.02.2023

dsa
Index :No
Neutral Citation :No
Speaking order



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To

1. Secretary to Government,
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Chennai – 600 009.

2. The Director General of Police,
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and
K.GOVINDARAJAN THILAKAVADI, J.

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