



W.A.No.3035 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE **R.SUBRAMANIAN**

AND

THE HONOURABLE MR.JUSTICE **SATHI KUMAR SUKUMARA KURUP**

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M.R.Maria Joseph (Died)

A2. D.Nirmala Nalini

A3. Christina Shoumitha

A4. Agnesh Aswini

...Appellant/Petitioner

A1 Died A2 to A4 are brought on record
as Lrs of deceased first appellant viz. M.R.Maria Joseph
vide order of Court dated 02/01/2023, made in
CMP No.19941/2022 in W.A.No.3035/2019 [RSMJ & SSKJ]

Vs.

1. The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore 18.



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2. The Superintendent of Police,
District Police Office,
The Nilgiris District @ Udhagamandalam.

3. Prabakaran,
Head Constable 591,
District Police Office,
The Nilgiris District

... Respondents/Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 21.02.2019 passed in W.P. No.3200 of 2009 and to set aside the same.

For Appellants : Mr. N.Manokaran

For Respondent : Mr. G.Nanmaran
Special Government Pleader, for R1 & R2

J U D G M E N T

(Judgment of the Court was delivered by R.SUBRAMANIAN, J.)

Challenge in this Intra Court Appeal is to the order of the Writ Court dismissing the Writ Petition filed by the petitioner challenging the



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rejection of his request to be promoted as a Sub Inspector on par with the third respondent, contending that the third respondent is a junior to him in service.

2. The Writ Court has rejected the contention of the petitioner primarily on the ground that the third respondent was appointed prior to the petitioner but he was not promoted earlier because of his lack of qualification. However, upon the Government taking a policy decision to scrap the Range Promotion Board Order (7th standard qualification) in the year 2006, the third respondent became entitled to promotion and his actual date of promotion, namely, 18.12.1994, was revised as 25.01.1993 by the proceedings of the District Police Office, Nilgiris District dated 01.02.2007. In fact the petitioner's name was also included in the said list, however by a subsequent proceeding dated 28.04.2007, the correction of the date of the promotion of the petitioner as a Head Constable was withdrawn.

3. The petitioner claims that the third respondent is a junior to him, but the said claim is based on the fact that the third respondent was



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promoted actually on 18.12.1994 as Grade I Police Constable and on 26.12.1998 as Head Constable, but by virtue of the revision, the third respondent was shown to have been promoted as a Grade I Police Constable on 25.01.1993 and a Head Constable on 25.01.1998.

4. According to the learned counsel appearing for the petitioner though the date of promotion of the petitioner as a Head Constable was revised as 19.12.1998 his date of promotion as Grade I Police Constable still remained as 25.01.1998 only. Even assuming that to be correct, if two persons belonging to the same category were promoted to the next higher post on the same date, their seniority will have to be determined on the basis of their date of joining the service in the feeder category. If that is taken into account, the third respondent had joined the Police Force on 12.07.1973 whereas the petitioner had joined the Police Force on 19.07.1977. Looking from any angle, the petitioner cannot be construed as a senior to the third respondent.



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5. We therefore do not find any ground to interfere with the orders of the Writ Court dismissing the Writ Petition, the Writ Appeal fails and it is accordingly dismissed. There shall be no order as to costs.

(R.S.M., J.) (S.S.K., J.)
25.01.2023

jv

Index : No

Internet : Yes

Speaking order

Neutral Citation: Yes

To

1. The Deputy Inspector General of Police,
Coimbatore Range,
Coimbatore 18.
2. The Superintendent of Police,
District Police Office,
The Nilgiris District @ Udhagamandalam.



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and
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jv

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