



W.P.Nos.4901, 6435, 5231, 5433 & 6439 of 2014

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON :	17.04.2023
PRONOUNCED ON :	01.06.2023

CORAM :

THE HONOURABLE MRS. JUSTICE J.NISHA BANU

W.P.Nos.4901, 6435, 5231, 5433 & 6439 of 2014

and M.P.Nos.1,3 & 4 of 2014 in W.P.No.4901 of 2014,

M.P.Nos.1 to 4 of 2014 in W.P.Nos.6435, 5231, 5433 & 6439 of 2014

W.P.No.4901 of 2014:

K.Anbazhagan,
Sub Inspector, Tiruchengode
Rural Police Station,
26, Meenakshi Nagar, Chinna Thirupathi,
Salem.

... Petitioner

Vs.

1. The Director General of Police,
P.O.Box.No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004
2. The Commissioner of Police,
Salem City Police Range,
Salem City.
3. D.Lakshmi,
Sub Inspector, N-2 Kasimedu Police Station,
Traffic Investigation,
Kasimedu, Chennai.



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4. M.Sudha,
Sub Inspector, J3, Guindy Police Station,
Traffic Investigation, Chennai.

... Respondents

W.P.No.6435 of 2014:

1. K.Chandra Bose,
Sub Inspector, Special Branch CID(Detachment),
Plot No.M.97, Park Town,
Pudukkottai Town and District 622 003
2. M.Palanichamy,
Sub Inspector, Special Branch CID(Detachment),
Plot No.M.63, Park Town,
Pudukkottai Town and District 622 003
3. P.Nagarajan,
Sub Inspector, Jegathapattinam Police Station,
No.59, Kalappakadu, Aranthangi,
Pudukkottai District.
4. B.Mubarak Jon,
Sub Inspector, District Special Branch,
Plot No.M.96, Park Town,
Pudukkottai Town and District 622 003
- 5.S.Kaliaperumal
Sub Inspector, Vadakadu Police Station,
No.10, RMV Nagar,
Pudukkottai Town and District 622 001
6. N.Pugazhenthii,
Sub Inspector, Viralimalai Police Station,
35, Athikulam Street,
Manapparai Post Office and Taluk, Trichy District.



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7. K.B.Raju,
Sub Inspector, Thathaiyanagarpettai Police Station,
Keelaiyur, Kulavoippatti Post,
Alangudi Taluk,
Pudukottai District.

... Petitioners

Vs.

1. The Director General of Police,
P.O.Box.No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004
2. The Deputy Inspector General of Police,
Tiruchirappalli Range,
Race Course Road,
Trichy 20
3. D.Lakshmi,
Sub Inspector, N-2 Kasimedu Police Station,
Traffic Investigation,
Kasimedu, Chennai.
4. M.Sudha,
Sub Inspector, J3, Guindy Police Station,
Traffic Investigation, Chennai.

... Respondents

W.P.No.5231 of 2014:

1. A. Petchimuthu,
Sub Inspector, CBCID (OCU),
4/918, Rahamat Nagar,
Tirunelveli -11
2. P.Sivanu,



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Sub Inspector, Special Branch (Tirunelveli)
Puliangudi,
Sankarankoil Taluk,
Tirunelveli

3. N.Sundarajan,
Sub Inspector, Special Branch CID Rural Office,
Palayamkottai,
Tirunelveli -2

4. S. Murugan,
Sub Inspector, Special Branch CID Rural Office,
Palayamkottai,
Tirunelveli -2

... Petitioners

Vs.

1. The Director General of Police,
P.O.Box.No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004

2. The Deputy Inspector General of Police,
Palayamkottai,
Tirunelveli - 11

3. D.Lakshmi,
Sub Inspector, N-2 Kasimedu Police Station,
Traffic Investigation,
Kasimedu, Chennai.

4. M.Sudha,
Sub Inspector, J3, Guindy Police Station,
Traffic Investigation, Chennai.

... Respondents



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W.P.No.5433 of 2014:

K. Kulothungan,
Sub Inspector,
Special Branch , CID,
No.15, Bharathi Illam, Jawan Street,
Gandhi Nagar, VOC Nagar Post,
Thanjavur 613 007

.... Petitioner

Vs.

1. The Director General of Police,
P.O.Box.No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004
2. The Deputy Inspector General of Police,
Thanjavur Range,
Old Judge Bungalow, Behind Circuit House,
Thanjavur - 1
3. D.Lakshmi,
Sub Inspector, N-2 Kasimedu Police Station,
Traffic Investigation,
Kasimedu, Chennai.
4. M.Sudha,
Sub Inspector, J3, Guindy Police Station,
Traffic Investigation, Chennai.

... Respondents

W.P.No.6439 of 2014:

1. N.Ravivarman
Sub Inspector, CBCID Metro Wing, Chennai
1st Cross Chavadi Street,
Korattur, Chennai 80



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2. A.Moorthy
Sub Inspector, Traffic Investigation, J-2 Adayar CCP,
B-7 Second Floor, Police Office Quarters,
Kamarajar Colony, T Nagar, Chennai 17
3. G. Sundaramoorthy
Sub Inspector, CBCID Metro Wing, Chennai,
No13, B Block, New Police Quarters,
Dr.Radhakrishnan Salai, Mylapore,
Chennai – 4
4. A.Chelliah,
Sub Inspector, Roving Secretariat, CCP,
No.254, Mansion site Police Quarters,
Creams Road, Chennai 6
5. H. Kamar,
Sub Inspe TANGEDCO Vigilance, Chennai
No.16, Cochin House, Police Quarters,
Creams Road, Chennai 6
6. S.Chokkalingam,
Sub Inspector, G-2 Periamedu Police Station, Chennai
No.1, N Block, G-3 Police Line,
Kilpauk, Chennai 10
7. F.Naseruddin,
Sub Inspector, Central Crime Branch,
No.10, New NGO Colony, 5th Cross Street,
Ramakrishna Nagar, Chennai 88
8. A.Senthatti,
Sub Inspector, Special Branch Security, SBCID, Chennai
No.C-22, PRO Quarters,
R.A.Puram, Madras 28



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9. C.Murugesan,
Sub Inspector, Secretariat Roving,
No.7/498, 'D' type 58th street,
SIDCO Nagar, Villivakkam,
Chennai 49
10. P.Kamala Kannan,
Sub Inspector, H-8 Tiruvattiyur Police Station,
No3B, West Madha Police Quarters,
Royapuram, Chennai 13
11. R.Kotteswaran,
Sub Inspector, T-9 Pattabiram Police Station,
No.2/517-C, Kumaran Nagar,
Pakkam Road, Thiruninravur,
Chennai 602 024
12. S.Krishnamani
Sub Inspector, Intelligence Section, CCP
No.6 1st Street, Ramalingam Nagar Extension,
Pulithivakkam, Madipakkam, Chennai 91

.... Petitioners

Vs.

1. The Director General of Police,
P.O.Box.No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004
2. The Commissioner of Police,
No.14, E.V.R.Periyar Salai,
Vepery, Chennai 600 007
3. D.Lakshmi,
Sub Inspector, N-2 Kasimedu Police Station,
Traffic Investigation, Kasimedu, Chennai.



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4. M.Sudha,
Sub Inspector, J3, Guindy Police Station,
Traffic Investigation, Chennai.

... Respondents

COMMON PRAYER: Writ Petitions filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus, calling for the records of the first respondent in R.C.No.94879/NGBIV(1)/2013 dated 21.04.2014, quash the same and consequently direct the respondents to revise the date of the petitioners 'B' list for the post of Sub-Inspector to 12.06.2004 and grant consequential seniority so as to enable the petitioner to be promoted to the post of Inspector.

**Prayer amended as per order of this Court dated 20.06.2014.*

In all cases:

For Petitioners (in W.P.Nos.4901 & 5231 of 2014)	:	Mrs.Illamvaluthi for Mr.A.Jenasenan
For Petitioners (in W.P.Nos.6435, 5433 & 6439 of 2014)	:	Mr.MKS.Sundar
For RR 1 & 2	:	Mr.P.Kumaresan, Additional Advocate General Assisted by Mr.J.C.Durairaj, Additional Government Pleader
For RR 3 & 4 (in W.P.Nos.4901 & 5231 of 2014)	:	Mr.Venkatramani, Senior Counsel for Mr.T.Ayengaraprabhu



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COMMON ORDER

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The petitioners herein whose “B” list had been declared only on 12.11.2005 after completion of training, were aggrieved by the non conduct of Range Promotion Board in the year 2004 and hence sought to revise their 'B' list of SI as 10.04.2004 instead of 12.11.2005. The petitioners submitted representations to the 1st respondent-Director General of Police, who by the impugned order dated 21.04.2014, rejected the said claim stating the same is not feasible. Challenging the said impugned order dated 21.04.2014, the present writ petitions are filed.

2. Since the issue involved in all these writ petitions are one and the same, they are disposed of by this common order.

3. All the petitioners herein, joined in various districts as Police Constables – Grade II and became as Head Constables through promotion between 1999-2000. Subsequently, they were also promoted as Gr.II Police constables in the year 1977 to 1980.



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4. The Petitioner submits that their batch mates filed writ petitions to fix their seniority from 12.06.2004 and 10.04.2004 to include their names in 'B' List and consequently promote them to the post of 1 of Police notionally. They are all fully qualified to attend the test in all respects and successfully they all completed their training and their names also drawn on 23.05.2005 in the 'C' List. Pursuant to the direction of this court, on 10.05.2006 'B' List was drawn and on 01.07.2006 orders were issued promoting all the SI's in the permanent post and after completion of probationary period, the SI of Police brought on 'A' list.

5. The Petitioners submit that they are all eligible to be promoted on 12.06.2004. The procedure for promotion for S.I. is contemplated as per Special Rules of Tamil Nadu Police.

6. Rule 3(d) Special rule states that a Head Constable with knowledge in English, -less than 53 years of age-total service of 7 years out of which 4 years as Head Constable will be considered for promotion as S.I in consideration of their merit, ability, seniority drawn from a list of suitable qualified candidates finalized



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by the respective range promotion board subject to the Approval of the Respective Range Board. Upon successful completion of rigorous training, a list shall be sent to Range Chairman for Approval and upon selection and thorough scrutiny, candidate shall be placed in C List.

7. Clause 8 of Police Standing Orders 36, gives time schedule for preparation of the C List. "C" list was published only on 19.02.2005. The Petitioners underwent training from 03.06.2005 to 04.08.2005 for 9 weeks and 3 months. On 10.05.2006, DGP Issued Memorandum that date of B List for constables selected for promotion as S.I for 2004 be fixed as 12.11.2005. Range Chairman issued the said orders on 07.08.2006.

8. It is the contention of the learned counsel for the petitioners that the petitioners and similarly placed have completed probation and included in A List on 12.11.2007 ie., the next avenue of promotion to post of Inspector of Police, for which single state wide list of S.I., according to seniority is drawn for which all petitioners were eligible. Since the date for publishing C list for 2004 is 10.04.2004 and if time schedule and rules were followed properly,



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pre-promotional training would have been completed on 12.06.2004 and be placed in B List on 12.06.2004, from which crucial date, seniority for police S.I would have been fixed on earlier date.

9. It is argued by the learned counsel for the petitioners that the petitioners have put in more than 35 years of unblemished service and few have retired and if the Rules, Promotion and Standing Orders were adhered to strict time schedule, the inordinate delay would not have happened.

10. The learned counsel further submitted that series of representations were given to the DGP office, and the representation dated 30.05.2013 was rejected by the Additional Director General of Police (Admn) by communication dated 21.04.2014. Aggrieved by the same, the present writ petitions are filed.

11. The learned counsel submits that the petitioners are all retired from service now; it is only a notional promotion they seek and they are not keen to get any arrears from the date of their promotion to the post of Inspectors and that the pay scale may be fixed eligible to the post of Inspectors. Such pay fixation, would



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not cost the exchequer much.

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12. The respondents filed counter affidavit and submitted that the promotion to the post of Sub Inspector of Police is considered only on merit and ability. In this connection, the Director General of Police, Chennai, has issued instructions to conduct the Range promotion Board to fill up 10 vacancies of Sub Inspector of Police arisen under promotee quota in Tirunelveli Range and to finalize the list of eligible Head Constables fit for promotion as Sub Inspector of Police,(only men) satisfying the following conditions.

i) Must have good working knowledge of English.

ii) Must not have completed 53 years of age on the first day of July of the year for which the selection for promotion of Head Constables as Sub Inspectors of Police is held.

iii) Must have completed a total service of 7 years and must have served as Head Constables whether permanent or officiating for a period of not less than 4 years on the first day of July of the year.

13. It is submitted that the Range promotion Board was conducted on 14.02.2005 and 8 Head Constables (Local) in Tirunelveli Range had secured the



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eligible marks in the prescribed test (i.e.12/30) against 10 vacancies. Hence, the Director General of Police, Chennai had issued instructions to conduct another Range promotion Board to draw a 'C' list of Head Constables (Local) fit for promotion as Sub Inspector of Police (Local) for the year 2004 to fill up the remaining 2 vacancies in the post of Rank promotee Sub Inspector of Police already allotted to Tirunelveli Range. Based on the said instructions, the following test have been conducted on the dates noted below.

(i) Written Test: 20.03.2005; (ii) Drill Test : 22.03.2005; (iii) Viva-voce Test : 24.03.2005

14. In the counter affidavit, it is submitted that the petitioners have attended the test and their names were also included in the 'C' list of the Range Promotion Board. After that, the petitioners were directed to attend 9 weeks pre-promotional training from 03.06.2005 to 04.08.2005 and subsequently they were directed to attend the 3 months practical training from 27.10.2005 onwards and promoted as Sub Inspector of Police. Subsequently the date of 'B' list of the above Sub Inspector of Police has been fixed as 12.11.2005. Hence, it is submitted that the petitioner were rightly promoted as Sub Inspector of Police in the promotee quota as per the ratio and special rules.



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15. It is submitted that 950 Women Sub Inspectors of Police were recruited directly by Tamil Nadu Uniformed Services Recruitment Board to fill up the existing vacancies of (Direct) Sub Inspectors of Police Posts for the year 2001-2002. The mode of selection of Direct Recruitment of Sub Inspectors of Police and Rank promoted Sub Inspectors of Police, are entirely different one. But the petitioners were promoted as Sub Inspectors on Rank promotee quota. Hence, the petitioners cannot compare them with the direct recruit Sub Inspectors of Police at any cost. Hence it is submitted by the respondents that the contention of the petitioner is neither reasonable nor fair.

16. Heard both sides and perused the records carefully.

17. On a careful reading of the entire typed set of papers filed by the learned counsel for the petitioners on the one hand and the counter affidavit filed by the respondent-Police, it is seen that the time schedule prescribed for the conduct of promotion board has been followed correctly. The petitioners did not qualify the test conducted by the department at the first instance, but in the



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second test conducted on 20.03.2005, 22.03.2005 and 24.03.2005, they become qualified and accordingly, they were included in the List. Further it is very clear that the petitioners were given second chance to clear their test on 20, 22 and 24.03.2005, otherwise, they would not have got a chance for inclusion in the panel drawn for 2004.

18. It is also transpired from the records that the petitioners had been declared promoted on 12.11.2005 after completion of training. However, the petitioners preferred to file their representation to the Director General of Police only on 30.12.2013. The said representation was considered by the authority and quoting the Special Rules 18(e), (i), (ii) and (iii) of TNPSS, it is pointed out that the petitioners were rightly given promotional training and deputed for practical training and their 'B' list is fixed as 12.11.2005, thereby, the claim of the petitioners for revising their 'B' list as on 10.04.2004, is not feasible for consideration.

19. In the considered view of this court, the rejection of the representation of the petitioners dated 30.05.2013 by the impugned order dated 21.04.2014,



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cannot be found fault with. According to Rules, the petitioners' promotion and inclusion in the 'B' list was fixed and this court, cannot interfere with the conduct of various test and drawal of list that was formulated and conducted by the respondent-Police Department. The grounds raised by the petitioners challenging the date of inclusion of their names in 'B' list, does not merit acceptance.

20. In the result, the writ petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are also closed.

01.06.2023

Index : Yes/No
Speaking Order : Yes/No

sts/nvsri



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J.NISHA BANU, J.,

sts/nvsri

To:

1. The Director General of Police,
P.O.Box.No.601, Dr.Radhakrishnan Salai,
Mylapore, Chennai 600 004.
2. The Commissioner of Police,
Salem City Police Range,
Salem City.
3. The Deputy Inspector General of Police,
Tiruchirappalli Range,
Race Course Road,
Trichy 20.
4. The Deputy Inspector General of Police,
Palayamkottai,
Tirunelveli – 11.
5. The Deputy Inspector General of Police,
Thanjavur Range.

Common Order made in
W.P.Nos.4901, 6435, 5231, 5433 & 6439 of 2014

01.06.2023