



W.A.No.1729 of 2017

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 02.01.2023

CORAM:

THE HONOURABLE MR.JUSTICE R.SUBRAMANIAN

AND

THE HONOURABLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

W.A.No.1729 of 2017

and

C.M.P.No.22124 of 2017

1.The Government of Tamil Nadu,
Rep. by its Home Secretary,
Fort St. George, Chennai – 9.

2.The Director General of Police,
Kamarajar Salai,
Mylapore, Chennai – 04.

3.The Superintendent of Police,
Perambalur District,
Perambalur.

...Appellants

Vs.

N.Ramasamy

...Respondent

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent, against the order dated 31.10.2014 made in W.P.No.27400 of 2014.

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

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



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J U D G M E N T

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

Challenge in the writ appeal is to the order of the writ Court directing conferment of benefits on the petitioner by giving him notional promotion as Special Sub-Inspector of Police upon completion of 25 years of total service in the Department.

2. The petitioner who was appointed as Grade II Police Constable in the year 1979 was promoted as Grade I Police Constable in the year 1997. Upon completion of 5 years as Grade I Police Constable, he was promoted as Head Constable in the year 2002. The petitioner retired in the year 2009.

3. The writ Court relying upon the judgment of the Division Bench of this Court in W.A.(MD).Nos.1506 of 2011 etc., batch dated 17.06.2014 granted the benefit sought for by the petitioner. However, it turns out that a Full Bench of this Court 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*



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reported in **2022 (1) CTC 833** has held that 10 years of service in the post of Head Constable is mandatory for promotion to the post of Special Sub-Inspector.

4. As seen from the facts, the petitioner served as Head Constable only for a period of 7 years and not 10 years. Therefore, the petitioner would not be entitled to the benefit of promotion as Special Sub-Inspector. Since the issue is covered by the dictum of the Hon'ble Full Bench of this Court, the writ appeal is **allowed**. The order of the writ Court will stand set aside. The writ petition will stand dismissed. No costs. Consequently, the connected miscellaneous petition is closed.

(R.S.M., J.) (S.S.K., J.)
02.01.2023

dsa
Internet :Yes
Index :No
Speaking order



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To
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- 1.The Secretary,
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R.SUBRAMANIAN, J.
and
SATHI KUMAR SUKUMARA KURUP, J.

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