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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.11.2023

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THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

W.P.No.25845 of 2018

C.Prabhavathi

... Petitioner

Vs.

1.The Government of Tamil Nadu,
Represented by Secretary to Government,
Home (Police) Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police,
Tamil Nadu, Chennai – 600 004.

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

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus, directing the respondents herein to pass appropriate orders on the petitioner's claim for granting the same benefits of revision of date of upgradation and promotion as conferred on similarly placed persons by the 3rd respondent herein in his proceedings C.P.O.1561/2015 R.C.No.A2/37310/2015 dated 09.11.2015 and such other orders and to grant her all consequential benefits.



For Petitioner

: Ms.R.Apoorva
For Mr.M.Ravi

For Respondents

: Mr.L.S.M.Hasan Fizal
Additional Government Pleader**ORDER**

The writ on hand has been instituted to direct the respondents to pass appropriate orders on the petitioner's claim for granting the same benefits of revision of date of upgradation and promotion as conferred on similarly placed person by the 3rd respondent herein in his proceedings dated 09.11.2015.

2. The petitioner states that she was enlisted as Women Police Constable Grade-I in the year 1981 and later on upgradation she was posted as a Head Constable in the year 1996 and as Sub Inspector of Police on 26.10.2004. When the petitioner filed this writ petition, she was serving as a Sub Inspector of Police at All Women Police Station West, Coimbatore City Police. However, at present the petitioner has retired from service on 31.03.2018.



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3. The grievance of the petitioner was that her upgradation was done belatedly to the posts of Head Constable, Sub Inspector of Police and the post of Inspector of Police from much later dates than the dates from which she ought to have been upgraded in the said posts in accordance with the Upgradation Policy of the Government pertaining to the Department. Further, the Department introduced Upgradation Scheme by granting Time-Bound promotions of Constables and Head Constables for those who have completed 10 years of service as Police Constable Grade-II are to be upgraded as Police Constables Grade-I and those who have completed 5 years of service as Police Constable Grade-I are to be upgraded as Head Constable and Head Constables after completion of 10 years of service and over all services of 25 years are upgraded to Special Sub Inspector of Police.

4. The learned counsel for the petitioner submitted that as per G.O.Ms.No.844, Home (Police V) Department dated 03.06.1997, the Government implemented Upgradation Scheme in a time bound manner. As per the said Government order, the petitioner was directly recruited as a Police Constable Grade-I on 03.03.1981. Therefore, the petitioner should have been granted upgradation as Head Constable on completion of 5 years



of service in the post of Police Constable Grade-I. It is further submitted that the Government has introduced a scheme of upgradation through G.O.Ms.No.937, Home (Police 3) Department dated 21.07.1998, which states that the Sub Inspectors of Police for which Constables Grade-II, who have completed 25 years of service out of which 10 years of service have been completed as Head Constables are not able to get regular promotion as Sub Inspectors of Police are to be given upgradation as Special Sub Inspector of Police from the first of the month succeeding the date of completion of 25 years of service.

5. The learned counsel for the petitioner further states that in G.O.Ms.No.13, Home (Police V) Department dated 06.01.2010, the Government has issued orders upgrading 2589 Police Constables Grade-II as Police Constables Grade-I with effect from 29.12.1995 instead of 22.07.1997 and further upgrading them as Head Constables from 25.07.2000 instead of 22.07.2002. Thereafter, through G.O.Ms.No.15, Home Department, dated 07.01.2010, the Government has delegated powers to the Superintendents of Police / Commissioner of Police to issue orders of upgradation of Police Constables Grade-II and Grade-I and delegating powers to Deputy Inspector



General of Police / Commissioner of Police, to upgrade the Police personnel, who have completed 25 years of service.

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6. In this regard, the Government upgraded 700 Police Constables as Grade-I Police Constables with effect from 30.06.1980 and those 700 Police Constables were upgraded as Head Constables with effect from November, 1994 as per the G.O.Ms.No.1101, Home (Police V) Department dated 21.07.1995. They were again upgraded as Special Sub Inspector of Police with effect from 01.06.2005 in G.O.(2D).No.428, Home (Police 3) Department dated 14.07.2006. Considering the representation of similarly placed persons, the same benefit given to men Police Constables, who were upgraded as Grade I Police Constables on 31.12.1986, and given notional promotion as Head Constable with effect from 11/94 has been extended to the Women Police Constables, Grade 1, appointed in the year 1986 in and by [G.O.Ms.No.440](#), Home (Police 3) Department, dated 05.06.2009. Likewise, 34 Women Police Constables, who were appointed as Police Constables, Grade I, have been ordered to be upgraded as Head Constables from 01.11.1994 notionally and on completion of another 10 years, they have been given upgradation as Special Sub Inspector of Police notionally with effect



from 01.06.2005. Therefore, the petitioner ought to have been upgraded as Head Constable with effect from 03.03.1986 instead of 2004 and further promotion ought to be granted on that basis. However, the grievance of the petitioner has not been resolved.

7. Further, it is contended that the Women Grade-I Police Constables selected in the year 1977 were benefited by getting their regular promotion as Head Constable in the year 1981 after completion of their 4 years service in the rank of Grade-I Police Constable and got promoted as regular Sub Inspector of Police in 1991 and most of them were promoted as Inspectors of Police from 2006 after completion of their 8 years of service in the rank of Sub Inspector of Police and have further been promoted to the post of Deputy Superintendent of Police. But, the 1981 batch alone is denied of regular promotion on, time without properly implementing the upgradation scheme. However one Parijatham, who was similarly recruited as Woman Grade I Police Constable in the year 1981 was promoted as Head Constable on 14.01.1996 on completion of 5 years of service as Woman Grade I Police Constable and completed Probation on 16.10.1988. She was promoted as Sub Inspector of Police temporarily by the proceeding of the Chief Office in



Memo dated 29.12.1995 and subsequently given posting as Woman Sub Inspector of Police by the Commissioner of Police, Chennai in CPO 207/1996 in R.c.No.Estt./1(3)/09395/96 dated 30.01.1996. The above said Parijatham was promoted as Women Inspector of Police by the orders of the Director General of Police and Women Police of Villupuram District by screening method.

8. However, some persons were given promotion as Head Constables, Sub Inspectors of Police and Inspector of Police ahead of the petitioner at every stage. Similarly one other batch mate of the petitioner Tmt.Kalyani was also promoted as Women Sub Inspector of Police on temporary basis by the Chief Office Memo dated 13.03.1996 as stated *supra* and she was posted in Chennai City. Therefore, there is a long delay in giving promotion to few persons, who were recruited as Grade I Police Constable in the year 1981 by applying the upgradation policy decision of the Government. Due to the delay in giving promotion and due to the non conducting of the Range Promotion Board, our promotions to the posts of Sub Inspector of the Police and Inspector of the Police were overlooked and hence, got considerably delayed. So far as Men Head Constables are concerned, they become eligible



to participate in Range Promotion Board on completion of 4 years of service and till 2006, all the eligible Head Constables, who have completed 4 years

of the service, were allowed to participate in the Range Promotion Board.

Though the same yardstick was also followed in the case of Woman Head Constable, no Range Promotion Board was conducted in between 1986 and 1994. Unfortunately, an amendment was introduced in G.O.(Ms).No.1730, Home Department dated 28.11.1997, whereby, the eligibility criteria to participate in Range Promotion Board was modified, whereby, a Woman Head Constable, who complete 8 years of service as Woman Head Constable becomes eligible to participate in Range Promotion Board, thereby the promotion chance of the Women Head Constables have been totally reduced and minimized. Hence, there was no Range Promotion Board, even in between the year 1994 and 2002. But at the same time, temporary promotions were granted to some of the Women Head Constables serving in the various range, whereby those Head Constables, who were temporarily promoted as Women Sub Inspectors from 1994 to 1999, their services were regularized by the Range Promotion Board on Screening Method. During the year 2002, the service qualifications in respect of Women Head Constables were amended in G.O.Ms.No.228, Home (Pol. III) Department dated 01.04.2002 and the ori-



ginal service qualification of 4 years service was reintroduced. However, even after the amendment as there was a delay in conducting promotion board in Screening Method, the Women Police Personnel especially the 1981 batch have exposed to grave hardship.

9. The petitioner contended that meanwhile, Tmt.G.Vimala and 11 others, who were directly recruited as Women Grade I Police Constables on 18.10.1986 filed W.P.Nos.16881 to 16892 of 2014 before this Court seeking to grant them due and proper time bound upgradation. The High Court vide judgment dated 17.11.2014 was pleased to issue appropriate orders and in compliance of the same, the Department had duly granted to them, the upgradation benefits as claimed by them. Similar claims were also raised by Tmt.Malathi & 14 others, who have approached this High Court in W.P.Nos.6157 of 2015 etc., and pending and subject to outcome of the Writ petitions, they were also considered on par with their batch mates (i.e. beneficiaries) and the Commissioner of Police Coimbatore City, in and by proceeding dated 09.11.2015 had granted the benefits to Tmt.Malathi and 14 others and also to Tmt. N.Ponnuthai WSSI of Coimbatore City, by passing appropriate orders. Thus, the Women Police Personnel, who were recruited



as Women Police Constable Grade I after the lapse of five and a half years from the date of the petitioner's recruitment, have been granted the benefits.

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However, the grievance of the petitioner is that yet to be redressed.

10. The fact remains that the petitioner's own batch mates had a clear march over the petitioner and secured promotion to the higher posts much earlier than her and the benefits of the upgradation policy of Government have been duly granted to the serving and retired Men Police Personnel and also to the Women Police Personnel belonging to 1977 batch, as well as to the far juniors belonging to 1986. 32 Inspectors, who have joined as II Grade PC in the year 1972. They have approached this Court and got promotion along with the consequential benefits. But the petitioner had completed 39 years of service without promotion and its benefits. As a similarly placed employee, the petitioner is also entitled to the same benefits, in accordance with Article 14 and Article 16 of the Constitution of India and the settled law that the similarly placed persons are entitled to the same relief.



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11. In this regard, several representations were also submitted by the petitioner to the respondents, but no action has been taken. Hence, the petitioner is constrained to move the present writ petition.

12. The learned Additional Government Pleader appearing on behalf of the respondents objected the said contentions made on behalf of the petitioner and also by relying on the counter affidavit filed by the 3rd respondent submitted that the petitioner was enlisted as Women Grade-II Police Constable on 03.03.1981 and subsequently she was upgraded as Grade I Police Constable in the time scale of pay of Rs.325-10445-15-550 from the date of their employment as per G.O.Ms.No.2471, Home (Pol IV) Department, dated 27.09.1982 and this office DO.No.1466/1982 dated 20.11.1982. She was upgraded as Head Constable on 29.11.1996. Subsequently, she was promoted as Sub Inspector of Police on 13.10.2004 under screening method as per [G.O.Ms.No.1170](#), Home (Pol.II) Department, dated 28.09.2004. After serving as Sub Inspector of Police, she retired from service on superannuation on 31.03.2018. It is contended that she was rightly given upgradations and promotion as per the upgradation policy of the Government, which was introduced from the year 1993.



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13. The learned Additional Government Pleader appearing on behalf of the respondents submitted that the Government in G.O.Ms.No.15, Home (Pol.) Department dated 07.01.2010 have delegated the power to the Superintendent of Police / Commissioner of Police / Deputy Inspector General of Police to upgrade those who have completed 10 years of service as Grade II Police Constables are to be upgraded as Grade I Constables and those who have completed 15 years of service including 5 years of service as Grade II Police Constable are to be upgraded as Head Constables and those who have completed a total service of 25 years including 10 years service in the rank of Head, Constables are to be upgraded as Special Sub Inspector of Police on the 1st of succeeding month. It is submitted that the petitioner cannot have any rights to claim time bound upgradation quoting the above G.O. as this order is valid with effect from 07.01.2010, the date on which G.O. was issued. Further, the Government in [G.O.Ms.No.844](#), Home (Pol-V) Department dated 03.06.1997 have introduced the upgradation scheme to the Men Constables who have rendered service as constables for 15 years without any promotion opportunities in the department and accordingly, the Police Constables, who have completed 10 years of service as Grade II



Constables were upgraded as Grade I Police constables and those who have completed 15 years of service as Grade I Police constables were upgraded as Head constables in a phased manner in order to remove the stagnation of promotion among the lower level Police personnel as was given to the women police personnel. Hence, it is submitted that the above Government orders are not applicable to the Women Police Personnel as contended by the petitioner.

14. Subsequently, the Government have issued orders in G.O.Ms.No.15, Home (Pol. IV) Department dated 07.01.2010 only and those benefits are being given only from the date of the Government order i.e., from 07.01.2010. Hence, the contention of the petitioner is devoid of any merits.

15. It is further submitted that by virtue of G.O.Ms.No.13, Home (Pol,V) Department dated 06.01.2010, it is a fact that the Government have issued orders reviving the date of upgradation of 2589 Police Constables as Grade I Police Constable with effect from 29.12.1995 instead of 22.07.1997. Similarly, upgradation of these 2589 Grade I PCs as Head Constables with effect from 25.07.2000 instead of 22.07.2002. This was ordered taking into



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consideration the anomaly in upgradation date of Police Constables, who were recruited in the same year, but were upgraded earlier because of having undergone basic training of 55 days earlier. It is submitted that thereafter, the Government has issued orders in G.O.Ms.No.15, Home (Pol. IV) Department dated 07.01.2010 delegating powers to Superintendent of Police/ Commissioner of Police to issue orders to upgrade the Grade II Police constables as Grade 1 Police constable, who have rendered 10 years of service as Grade II PC, and delegating powers to the Deputy Inspector General of Police / Commissioner of Police to upgrade the Grade 1 Police constable as Head Constables, who have rendered 15 years of service as Grade I Police Constable and to upgrade the Head Constables as Special Sub Inspector of Police, who have rendered a total service of 25 years, out of which, 10 years service have been completed as Head constable, on the 1st of the succeeding month.

16. The learned Additional Government Pleader submitted that the contention of the petitioner that the Government had upgraded 700 Police constables as Grade I Police Constables with effect from 30.06.1980 is not correct. It is submitted that the Government had issued orders in



G.O.Ms.No.1681, Home (Pol.V) Department dated 12.10.1992 to upgrade 21000 post of Grade II Police Constables as Grade I Police Constables and 2700 posts of Grade I Police Constables as Head Constables in a phased manner stretched over a period of 5 years from 1992-1993 onwards in order to solve the problem of stagnation without promotion. Accordingly, the upgradation of posts was ordered to be done in a phased manner as follows:

<i>Year</i>	<i>No of Posts of Grade II Police Constables upgraded as Grade I Police Constables</i>	<i>No of Grade I Police Constables upgraded as Head Constables</i>
1992-1993	9000	500
1993-1994	4000	700
1994-1995	4000	700
1995-1996	4000	800
Total	21000	2700

17. The above upgradation was ordered to be done once in a year in the month of October. It was further ordered in the above G.O. that the promotion to these upgraded posts should be based on the prescribed tests and that the direct recruitment of Grade I Police Constables be dispensed with and that the posts of Grade I posts be filled up through promotions only. This Government order does not specify automatic upgradation at the end of specified number of years of service.



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W.P.No.25845 of



18. It is submitted that 700 Grade I Police Constables, who were upgraded as Head constable during the year 1994-1995 were upgraded as Special Sub Inspector of Police with effect from 01.06.2005 as per G.O.(2D) No.428, Home (Police.III) Department dated 14.07.2006. The above benefits were extended to the women Police constables, who were enlisted as Grade 1 Police constable in the year 1986 as per [G.O.Ms](#) No.440, Home (Pol.III) Department dated 05.06.2009. The contention of the petitioner that she also ought to have been upgraded as Head constable with effect from 03.03.1986 and ought to have been upgraded as Special Sub Inspector of Police with effect from 03.03.1996 instead of from the year 2004 and further promotion ought to be granted on that basis is not correct. It is submitted that the Government in G.O.Ms.No.1170, Home (Police III) Department dated 28.09.2004 have issued orders with reference to rule 39 of the Special Rules for the Tamil Nadu Police Subordinate Service in favour of eligible Women Head Constables from among the 304 Women Head Constables, who were originally recruited as Women Police Constables in the year 1981 earlier and upgraded / promoted as Women Head Constables in the year 1986 for their promotion and to fill up the 224 posts of Sub Inspector of Police diverted from direct recruitment vacancies in the post of Sub Inspector of Police



(Taluk) against 30% Women quota estimated for the year 2003 by adopting “Screening Method” without Range Promotion Board tests etc. Accordingly, the petitioner, who was originally recruited as Women Police Constable in the year 1981 was promoted as Women Sub Inspector of Police on 13.10.2004 as per G.O.Ms.No.1170, Home (Pol. III) Department dated 28.09.2004 and Memorandum in Rc No. 178383/NGB VII (1) / 2004 dated 29.09.2004 of Director General of Police, Tamil Nadu. Hence, the contention of the petitioner is devoid of any merits.

19. The Women Grade I Police Constables enlisted in the year 1977 referred to by the petitioner had attended promotion tests conducted during the year 1991 and those who came out successful in the promotion test were promoted to the post of Sub Inspector of Police in the year 1991 and according to their seniority in the rank of Sub Inspector of Police, they got further promotion as Inspector of Police and Deputy Superintendent of Police. It is further submitted that the contention of the petitioner that the 1981 batch alone is denied of regular promotion on time without properly implementing the upgradation scheme is not correct as the upgradation policy was introduced by the Government in the year 1993 and the petitioner was



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rightly upgraded as Head constable in the year 1996 vide this office CPO No. 1445/1996 dated 27.11.1996 as per the upgradation policy of the Government. It is also submitted that the petitioner was subsequently promoted as Sub Inspector of Police on 13.10.2004 by adopting "Screening Method" without conducting Range Promotion board tests etc. as per GO Ms No. 1170, Home (Pol III) Department dated 28.09.2004 and Memorandum in Rc. No. 178383/NGB (1) / 2004 dated 29.09.2004 of Director General of Police, Chennai. It is further submitted that all other Women Police personnel referred to by the petitioner does not relate to Coimbatore City. Hence, the contention of the petitioner is incorrect.

20. The upgradation was ordered to be done once in a year in the month of October as per G.O.Ms No.1681, Home (Pol V) Department dated 12.10.1992 and that promotion to the upgraded post should be based on the prescribed tests and that the direct recruitment of Grade I Police Constables be dispensed with and that the post of Grade I Police Constables be filled up through promotions only. The above Government order does not specify automatic upgradation at the end of specified number of years of service. It is further submitted that the Government in G.O.Ms.No.844, Home (Pol V) De-



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partment, dated 03.06.1997 ordered that the Grade II PCs who had completed 10 years of service to be promoted as Grade I Police constables and those who had completed total 15 years of service as Grade I Police constables will be promoted as Head constables. Further, the Government ordered in G.O.Ms.No.937, Home (Pol III) Department, dated 21.07.1998 that Head Constables, who had completed 10 years service in that rank and who had total service of 25 years will be upgraded as Special Sub Inspector of Police subject to the conditions mentioned in G.O.Ms.No.368, (P&AR) Department dated 18.10.1993 concerning promotions and preparation of panel.

21. It is further submitted that as a one time measure, the Government also directed that 469 Police constables recruited in the year 1974 could be promoted as Head Constables by relaxing the requirement of 25 years of total service, subject to their completion of 10 years of service. This order stipulates that the promotion panel should be prepared every year with 1st June as the crucial date. It was further ordered that the Range Promotion Boards will send the recommendations to the Director General of Police, who will in turn send it to the Government and the Government will issue orders in July. It was also ordered that the Special Sub Inspectors of Police thus up-



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graded could become regular Sub Inspector of Police only when they qualify in the prescribed tests. It is submitted that the petitioner was initially enlisted as Grade II Police Constable on 03.03.1981 and subsequently, she was upgraded as Grade I Police constable in the time scale of pay of Rs.325-10-445-15-550 from the date of her employment as per G.O.Ms.No.2471, Home (Pol IV) Department, dated 27.09.1982 and this office DO No. 1466/1982 dated 20.11.1982. It is submitted that after the introduction of upgradation policy by the Government in the year 1993, the petitioner was rightly upgraded as Head constable on 29.11.1996 and subsequently she was promoted as Women Sub Inspector of Police on 13.10.2004 by screening method without conducting any promotion tests as per G.O.Ms.No.1170, Home (Pol.III) Department dated 28.09.2004 and Memorandum in Rc.No. 178383/NGB VII (1) / 2004 dated 29.09.2004 of Director General of Police, Tamil Nadu, Chennai. Hence, the contention of the petitioner is devoid of any merits.

22. However, Tmt, G.Vimala and 11 others, all Women Special Sub Inspectors of Police serving in Greater Chennai Police filed separate Writ Pe-



er: petition Nos.16881 to 16892 of 2014 before this Court with the following pray-

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“Direct the respondents to issue revised order of up gradation of the petitioner as Head Constable with effect from 01.11.1991, instead of 28.02.2002 and Special Sub - Inspector of Police with effect from November, 2001, instead of 01.05.2005 and to grant all consequential benefits and to consequently depute the petitioner for the mandatory 9 weeks pre - promotional training for her regular promotion as Sub - Inspector of Police forthwith and to consider the petitioner for such promotion with effect from the appropriate dates.”

23. It is submitted that this Court, by its order dated 17.11.2014 has passed the following orders:

“Insofar as the first submission made by the learned counsel for the petitioners is concerned, in view of the proceedings of the Deputy Commissioner of Police dated 18.10.2014, a direction was issued to the respondents to send all the petitioners for 9 weeks pre-promotional training, as they have been appointed in the year 1986 in accordance with law. With regard to pending representation of



the petitioners dated 05.06.2013 taking note of the pendency of the representation for more than one year, respondents are directed to consider the same on merits and in accordance with law within a period of twelve weeks from the date of receipt of a copy of this order.”

24. Therefore, this Court order was implemented as per the instructions issued by the Director General of Police, Tamil Nadu, Chennai vide Memorandum in Rc. No. 194212/NGB IV(1)/2014 dated 07.07.2015 by conducting Special Promotion Board to the Women Head Constables (Taluk), those who were directly recruited during the year 1986, and included them in the C-list of Head Constables (Taluk) fit for promotion as Sub Inspector of Police (Taluk) for the year 2006 and imparted necessary pre-promotional training for 9 weeks at Tamil Nadu Police Academy from 16.11.2015 to 17.01.2016 and elevated to the rank of Sub Inspector of Police (Taluk). It is also a fact that Tmt.Malathi and 14 others, Women Special Sub Inspector of Polices, who were also recruited as direct Women Grade I Police Constable in the year 1986 have filed Writ Petitions Nos.6157 to 6171 of 2015 before this Court praying with same benefits as was prayed by the aforesaid Vimala and 11 others in W.P.Nos.16881 to 16892 of 2014. Since the cases of Tmt



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Malathi and 14 others are one and same as that of Tmt. Vimala and others, their cases were also considered and they were given 9 weeks Pre-Promotion training at Tamil Nadu Police Academy, Chennai for elevation to the rank of Sub Inspector of Police. It is submitted that the claim of the petitioner, who was already promoted as Sub Inspector of Police on 13.10.2004 itself without conducting any promotion test, deserves no merits as Tmt. Vimala and 11 others and Tmt. Malathi and 14 others referred to by the petitioner were given inclusion in the 'C' list of Head Constables (Taluk) fit for promotion as Inspector of Police (Taluk) for the year 2006, in the light orders of the High Court order dated 17.11.2014 in W.P.Nos.16881 to 16892 of 2014 filed by Tmt. Vimala and 11 others.

25. The upgradation policy of the Government, which was introduced in the year 1993 and subsequent Government orders with regard to upgradation was followed and due upgradation was given to the Police personnel according to their eligibility as per the Government orders issued from time to time. Accordingly, the petitioner was rightly given upgradation as Head Constable on 29.11.1996 and further promotion as Sub Inspector of Police on 13.10.2004 as per the Government orders. It is submitted that the petitioner's



juniors belonging to 1986 as referred to by the petitioner were included in the promotion list only for the year 2006 in the light of orders of High Court dated 17.11.2014 in W.P.No.16881 to 16892 of 2014 filed by Tmt G.Vimala and 11 others. Hence, the contention of petitioner is liable to be dismissed.

26. It is submitted that the petitioner has not mentioned specifically about the details of the Court order in which 32 Inspectors, who have joined as Grade II Police constable got promotion with consequential benefits. It is submitted that the petitioner who was enlisted as Grade II Police constable in the year 1981 and upgraded as Grade I Police constable in the year 1981 itself as per G.O.Ms.No.2471, Home (Pol IV) Department dated 27.09.1982 was rightly given further upgradation as Head Constable on 29.11.1996 after the introduction of upgradation policy by the Government. The petitioner was promoted as Sub Inspector of Police on 13.10.2004 before completion of 10 years service in the rank of Head Constable as per G.O.Ms.No.1170, Home (Pol.III) Department dated 28.09.2004. It is submitted that the contention of the petitioner that she has submitted detailed representations to the Respondents is not correct as no such representation was received from the petitioner till date. Hence, the contention of the petitioner is liable to be dismissed.



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27. It is submitted that as per the upgradation policy of the Government, Police personnel who have completed 10 years of service in the rank of Grade II Police constable were upgraded as Grade I Police constables and 5 years of service in the rank of Grade I Police Constables were upgraded as Head constables from the year 1993. These benefits were extended to those who have been appointed during the year 1984-85 also in Government letter (D) No.769, Home (Pol.) Department dated 28.07.2010. No Government orders were issued to modify the date of upgradation to those who have appointed prior to 1984. It is submitted that the petitioner herein was appointed as Grade II Police constable on 03.03.1981. Hence, the contention of the petitioner that she is fully entitled for revision of date of her promotion by upgradation to the post of Head constable as 01.03.1986 and the date of promotion by upgradation to the post of Sub Inspector of Police as 01.04.1996 and subsequent promotions with consequential benefits does not arise. It is submitted that the petitioner was rightly upgraded as Head Constable on 29.11.1996 after the introduction of upgradation policy by the Government from the year 1993 and she was promoted as Sub Inspector of Police on 13.10.2004 as per the Government orders. It is submitted that her name was



also recommended to include in the 'C' list of Sub Inspector of Police (Taluk) fit for promotion as Inspector of Police (Taluk) for the panel year 2017-2018.

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But the petitioner name was not reached in the panel year according to seniority for want of vacancy. Subsequently, she retired from service on 31.03.2018 on attaining the age of superannuation.

28. The learned Additional Government Pleader contended that that the claim of the petitioner for granting the same benefits of revision of date of upgradation and promotion as conferred on similarly placed persons by the 3rd respondent in his Proceedings in CPO No.1561/2015 in Rc No.2/37310/2015 dated 09.11.2015 in which Tt.N.Ponnuthai, Women Special Sub Inspector of Police of Coimbatore city was included in the 'C' list of Head Constables (Taluk) fit for promotion as Sub Inspector of Police (Taluk) for the year 2005-06 in the light of the orders of this Court dated 17.11.2014 deserves no merits as no Government orders were issued to modify the date of upgradation to those who have been appointed prior to the year 1984. Therefore, this writ petition is devoid of merits and is liable to be dismissed.



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29. In view of the submissions made on behalf of the respective counsels appearing on behalf of the parties, this Court is of the considered opinion that according to the petitioner's case is concerned, she has been given promotion as Head Constables in the year 1996 and thereafter, Special Sub Inspectors of Police in 2004 under screening method as per G.O.Ms.No.1170, Home (Pol. III) Department dated 28.09.2004. Subsequently, the petitioner retired in the year 2018 on attaining the age of superannuation. Hence, she cannot seek for further promotion to the post of Inspector of Police. However, the petitioner name was listed in the Panel, but was not reached in the panel year according to seniority for want of vacancy.

30. It is brought to the notice of this Court that similarly placed persons have earlier filed writ petition in W.P.No.35498 of 2019 and etc., batch before this Court and an order was passed on 15.12.2021, wherein this Court held as follows:

“54. As far as the 1991 batch Grade I Women Police Constables are concerned, they have been given promotion as Head Constables in the year 2003 and 2004 and thereafter, it was decided to notionally upgrade them as Head Constable with



effect from the year 1999 without monetary benefits and thereafter, they were promoted as Special Sub Inspectors of Police in 2009 with monetary benefits from the date of G.O as a onetime measure and as a special case in terms of G.O.(Ms.) No.152, Home (Police III) Department, dated 25.02.2011.

55. Under Adhoc Rules read with Notification given in G.O.Ms.No.2566, Home Department, dated 01.11.1974, exemption was given to the General Rules inasmuch as the aforesaid Rule was announced for the first time in the year 1974 with effect from 05.09.1973.

56. At that point of time, there was no scope for promotion to the post of Women Police Constable Grade I and therefore, it was construed that there was no necessity to distinct between the Grade I and Grade II Police Constables as the word and figure "Grade II" were against the Women Police Constables.

57. Further, the appointment under Adhoc Rules as notified by G.O.Ms.No.2566, Home Department, dated 01.11.1974 was intended to



create a temporary post for the Women Police Wing in the Madras City. The issue of aforesaid G.O.Ms.No.2566, Home Department, dated 01.11.1974 proceeded the issue of G.O.Ms.No.2382, Home Department, dated 05.09.1973, G.O.Ms.No.1048, Home Department, dated 27.04.1974 and Rc.No.39409/SR.2/73 of the Inspector General of Police, dated 01.11.1973 & 23.04.1974.

58. The qualification prescribed for the Women Police Constable which was amended by G.O.Ms.No.1203, Home (Police III) Department, 08.08.1995 was a mere pass in S.S.L.C. The petitioners were appointed with a minimum S.S.L.C. pass. Therefore, the petitioners cannot claim any advantage.

59. If the arguments of the learned counsel for the respective petitioners are accepted, the petitioners being appointed as Women Police Constables will be entitled to be promoted as Head Constables within 5 years and thereafter as Special Sub Inspectors / Sub Inspectors of Police within a period of next 10 years, whereas, their male



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W.P.No.25845 of



counterparts would take about 25 years to be promoted as Special Sub Inspectors / Sub Inspectors of Police.

60. As the petitioners who were appointed as Women Police Constables through direct recruitment in the years 1981 and 1991 were promoted as Head Constables in the years 1996 & 1997 and 1999 and as Sub Inspectors of Police in the years 2003 & 2004 and 2009 respectively are concerned, they cannot claim any further benefit merely because they were recruited as Women Police Constables.

61. It would be fallacious to treat the petitioners as superiors to their male counterparts who were appointed as Grade II Police Constables as the appointment of the petitioners in the years 1981 and 1991 was only at the entry level with a minimum educational qualification of SSLC.

62. If the contention of the petitioners are accepted, an anomalous situation would arise. Following Chart demonstrates the position:



Batch	Head Constable	Special Sub Inspector / Sub Inspector	Inspector
1981 batch Gr.I W.P.Cs.	1986	1996	2006
1991 batch Gr.I W.P.Cs.	1996	2006	2016

63. *It would confer undue advantage on the petitioners. The Government of Tamil Nadu had already considered the case of the petitioners by promoting the 1981 batch Women Police Constables as Head Constables with effect from the years 1996 & 1997 and the 1991 batch Women Police Constables as Head Constables with effect from the year 1999 and thereafter by promoting as Sub Inspector with effect from the years 2003 & 2004 and 2009 respectively. They also have been given notional benefits in terms of G.O.(Ms.) No.152, Home (Police III) Department, dated 25.02.2011.*

64. *Therefore, the petitioners cannot claim to be similarly placed persons as that of their male counterparts who were recruited in the bottom at the entry point of time as Grade II Police Constables and thereafter upgraded as Grade I Police Constables at the end of 10 years as Grade II Police Constables merely based on their*



designations.”

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31. Therefore, in view of the above judgment passed by this Court on 15.12.2021, this Court is also on the same line and makes it clear that the petitioner cannot be treated as separate class and as a only one time measure, upgradation can be given with notional benefits. Also, the petitioner's case was considered and her name was listed in the panel, however, her name has not reached the particular panel year according to the seniority for want of vacancy. Therefore, it is not the case, where the respondents have not considered the case of the petitioner.

32. In view of the above observations, this Court is of the view that the petitioner cannot seek for further upgradation as per her whims and fancies, as the Department had already upgraded the post of the petitioner. The Government had already considered the case of the petitioner upto the post of Sub Inspector of Police, therefore, the petitioners cannot claim to be similarly placed persons as that of their male counterparts, who were recruited in the bottom at the entry point of time as Grade II Police Constables and thereafter, upgraded as Grade I Police Constables at the end of 10 year as Grade II



Police Constables merely based on their designations.

33. Hence, this Court is not inclined to grant the relief as such sought for in the present writ petition and consequently, this Writ Petition stands dismissed. However, there shall be no order as to costs.

22.11.2023

Jeni

Index : Yes / No

Neutral Citation : Yes / No

Speaking order : Non-speaking order

To

1.The Secretary to Government,
The Government of Tamil Nadu,
Home (Police) Department,
Secretariat, Chennai – 600 009.

2.The Director General of Police,
Tamil Nadu,
Chennai – 600 004.

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



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W.P.No.25845 of



V.BHAVANI SUBBAROYAN, J.

Jeni

W.P.No.25845 of 2018

22.11.2023