



W.P.(MD) No.6237 of 2018

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 15.02.2023

CORAM

THE HONOURABLE MR.JUSTICE M.DHANDAPANI

W.P.(MD) No.6237 of 2018

S.Ravichandran

... Petitioner

-VS-

- 1.The State of Tamil Nadu
Rep. By its Secretary to Government
Home Department,
Secretariat, Fort St. George,
Chennai 600 009.
- 2.The Director General of Police,
Office of the Director General of Police
Chennai 600 004.
- 3.The Deputy Inspector General of Police,
Ramanathapuram Range,
Ramanathapuram.
- 4.The Superintendent of Police,
Ramanathapuram District
Ramanathapuram.

... Respondents

Prayer:- Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Certiorarified Mandamus to call for the records of



W.P.(MD) No.6237 of 2018

the impugned order in C.No.A3/27923/2014 dated 18.08.2017 passed by the 1st respondent and quash the same as illegal and consequently direct the 4th respondent to revise the seniority list for the promotion of the petitioner with pay parity on par with the persons joined in Armed Reserve Police on 19.11.1998.

For Petitioner : Mrs.R.Harishudharjanaa for
Mr.S.Sankarapandian

For Respondents : Mr.G.V.Vairam Santhosh
Addl. Government Pleader

ORDER

Challenging the impugned order of the 1st respondent dated 18.08.2017 and for a consequential direction to the 4th respondent to revise the seniority list for the promotion of the petitioner with pay parity on par with the persons joined in Armed Reserve Police on 19.11.1998, this writ petition has been filed.

2. The case of the petitioner is that the petitioner was enlisted as Grade II Police Constable on 19.11.1988 along with him there are 73 candidates were appointed as Grade II Police Constable, wherein, some of



W.P.(MD) No.6237 of 2018

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them, who possessed valid driving license were posted in the motor transport wing and others were posted to Armed reserve wing. Since the petitioner was holding valid license, he was posted to motor transport wing on 01.04.1993. Subsequently he was promoted as Naik and upgraded as Special Sub Inspector on 28.12.2013. Since the petitioner was posted at motor transport wing, where there had been less number of staff and hence, the promotional avenue would get affected, as such the promotional avenue of the petitioner also get affected, he was constrained to approach the Tamil Nadu Administrative Tribunal for considering his representation for promotion to the post of Head Constable, the Tribunal also passed an order to consider his representation. While so, a writ petition (WP No. 25043/2002) came to be filed by two persons for taking the date of appointment as crucial date for preparation of C list for promotions and revise the seniority. The said writ petition was allowed and a direction was issued to consider the date of appointment as crucial date for considering promotion, pursuant to which, G.O.No.1623 dated 12.12.2008 was issued for revising the seniority. Accordingly a revised seniority list was prepared relaxing Rule 3(a)(1) of the Tamil Nadu Police Subordinate Service Rules.



W.P.(MD) No.6237 of 2018

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3. When the persons, who were appointed along with the petitioner, were granted promotion to the post of Inspector and Sub Inspector of Police, the petitioner alone is working as Special Sub Inspector of Police. It is his further case that when similarly placed persons represented to the 2nd respondent for reckoning their seniority to Motor Transport Wing on par with juniors, the 2nd respondent passed an order dated 18.09.2008. Therefore, the petitioner also has made representations to reckon his seniority. Since the same was not considered, he filed W.P.(MD) No.15649/2014 and this Court vide order dated 23.06.2017 gave a direction to the respondents to consider his representation. However, vide the present impugned order, the case of the petitioner was rejected, challenging which, the petitioner is before this Court.

4. The learned counsel for the petitioner would submit that as per the decision of the Division Bench, the petitioner is entitled to be considered for promotion on par with their batchmates, who are recruited on 19.11.1988. However, they acquired promotion much prior to the petitioner.



W.P.(MD) No.6237 of 2018

Since the petitioner opted for motor transport wing, he was not considered and that cannot be a reason for depriving the reason for getting his promotion on par with his batchmates and hence, she prays for appropriate direction.

5. Per contra, the learned Additional Government Pleader would submit that the persons, who have got promotion are from general line. Separate tests should be conducted for constables in the general line as well as specialized line and two separate C lists, one from general line and another from specialized line, would be drawn and as per PSO I 421(6) and separate promotion lists should be maintained in the district police office. The petitioner's name was included in the motor transport wing at his request from 01.04.1993 as per letter dated 31.03.1993. As such in the specialized line, the petitioner was promoted as Driver Grade I NK from 29.02.1996. The police personnel, who were enlisted on 17.11.1988 along with the petitioner and serving in General line were upgraded as Grade I Police constables on completion of 10 years on 16.11.1998; Head constables on completion of 5 years in the post of constables and Special Sub Inspector



W.P.(MD) No.6237 of 2018

with effect from 01.12.2013. Accordingly, upgradation of the petitioner as Head Constable was also modified as 17.11.2003 on par with his batchmates in general line vide order dated 23.12.2013 and upgraded as Special Sub Inspector of Police from 01.12.2013. It is further contended that the petitioner has compared his batchmates, who have got promotion in general line. However, they had attended the promotion test and the petitioner did not attend the said test and had exercised his option for continuing in the motor transport wing and got promotion as Driver Grade I NK from 29.02.1996 and head constable from 08.11.2006. For these reasons, the petitioner is not eligible to be considered for promotion on par with his batchmates. However, the procedure of conducting promotion test for promotion to higher ranks was scrapped and upgradation scheme was introduced by the Government and as such, the date of upgradation as Head Constable was modified as 17.11.2003 on par with his batchmates and he was also upgraded as Special Sub Inspector of Police. For these reasons, the learned Additional Government Pleader prays for dismissal of the writ petition.



W.P.(MD) No.6237 of 2018

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6. Heard the learned counsel for the petitioner and the learned Additional Government Pleader appearing for the respondents and perused the materials available on record.

7. Admittedly, the petitioner was recruited as Police Constable in the year 1988 and after institutional training, they were posted at Armed Reserve. Since the petitioner possessed valid driving license, he was deputed to motor transport wing, which is at his request. It is seen admittedly, there was two line of promotion available. One is in general line and another is from a specialized line. Since the petitioner is deputed to motor transport wing, he was maintained in the specialized line. Accordingly, promotion was given to the respective lines and similarly placed persons, who were in general line, were given promotion much prior to the petitioner. It is also not disputed that the grievance of the petitioner was already considered by the respondents.



W.P.(MD) No.6237 of 2018

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8. The persons enlisted as grade II Police Constable on 17.11.1988 and were upgraded as Grade I Police Constable on 16.11.1998 and Head Constable on 17.11.2003 and they were promoted as Special Sub Inspector on 01.12.2013. The date of upgradation of the petitioner as Head Constable was modified as 17.11.2003 on par with his batchmates in general line as per order dated 23.12.2013 and he was also upgraded as Special Sub Inspector of Police on 01.12.2013 vide order of the Deputy Inspector General of Police, Ramanathapuram Range. Further the similarly situated persons promoted as Head Constable, they were promoted along with Head Constable on 17.11.2003, whereas the petitioner was given promotion to the post of Head Constable in the year 2006. The promotion was again remodified along with the batchmates on par with batchmates in general line vide order dated 23.12.2013. However, the petitioner referred three persons ie. Head Constables, who got promotion in the general line. They attended promotional tests. However, the petitioner did not attend the promotional tests conducted for the drawal of C list of Police Constables fit for promotion. The petitioner exercised his option for continuing in the motor transport wing and got promotion as Grade I Police Constable with



W.P.(MD) No.6237 of 2018

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effect from 1996 and Head Constable from 2006. Further the feeder category fit for promotion to the next promotional panel is based on the test conducted, qualification and the department test, they acquired further qualification. Hence, the grievance expressed by the petitioner is misconceived. Accordingly, there is no illegality or infirmity in the order impugned in the writ petition.

9. In the result, the writ petition fails and the same is dismissed.

No costs.

15.02.2023

NCC : Yes/No

Index : Yes/No

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W.P.(MD) No.6237 of 2018

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- To
- 1.The Secretary to Government
Home Department,
Secretariat, Fort St. George,
Chennai 600 009.
 - 2.The Director General of Police,
Office of the Director General of Police
Chennai 600 004.
 - 3.The Deputy Inspector General of Police,
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 - 4.The Superintendent of Police,
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W.P.(MD) No.6237 of 2018

M.DHANDAPANI, J.

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W.P.(MD) No.6237 of 2018

15.02.2023