



W.P.(MD).Nos.12981 of 2015 and 4945 of 2016

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 05.06.2023

CORAM

THE HONOURABLE MRS.JUSTICE S.SRIMATHY

**W.P.(MD).Nos.12981 of 2015 and 4945 of 2016
and
M.P.(MD).No.1 of 2015
and
W.M.P.(MD).Nos.4432 of 2016**

W.P.(MD).No.12981 of 2015:

A.S.Thalavai Swamy

... Petitioner

Vs.

- 1.The State of Tamil Nadu,
Represented by its Principal Secretary to Government,
Home (Prison) Department,
Secretariat,
Chennai – 600 009.
- 2.The Director General of Police,
Mylapore,
Chennai – 600 004.
- 3.The Additional Director General of Police and
Chief of Prison Department,
Chennai – 600 008.
- 4.The Accountant General Office,
Anna Road,
Chennai – 600 006.

... Respondents



W.P.(MD).Nos.12981 of 2015 and 4945 of 2016

Prayer : Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to consider the representation dated 20.04.2015 of the petitioner and to pass orders granting time bound notional promotion to the petitioner as Grade I Warder with effect 01.10.1999 and as Chief Head Warder from 01.10.2004 and as Assistant Jailor from any day prior to the date of retirement of the petitioner i.e., prior to 31.08.2013 A.N., and grant all the service and monetary benefits and revised pensionary benefits within a time limit to be fixed by this Court.

W.P.(MD).No.4945 of 2016:

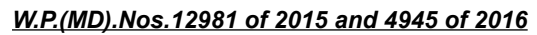
A.S.Thalavai Swamy

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- 3.The Additional Director General of Police and
Chief of Prison Department, Egmore,
Chennai – 600 008.
- 4.The Accountant General Office,
Anna Road,
Chennai – 600 006.

... Respondents



(In both Writ Petitions):

For R-4 : Mr.P.Gunasekaran,
Standing Counsel.

COMMON ORDER

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2. The petitioner has challenged the order dated 30.11.2015 with consequential relief to grant notional promotion as Grade I Warder with effect 01.10.1999 and as Chief Head Warder from 01.10.2004 and as Assistant Jailor from any day prior to the date of retirement of the petitioner i.e. prior to 31.08.2013 A.N., and grant all the service and monetary benefits and revised pensionary benefits.

3. The brief facts are that the petitioner joined the respondent service as Grade – II Warder in the year 1989. On completion of 10 years, the petitioner was granted Selection Grade in the year 1999 and Special Grade in the year 2009. The petitioner was granted promotion as Grade-I Warder on 27.10.2012. Subsequently, on attaining superannuation, he retired from service on 31.08.2013. The contention of the petitioner is that the petitioner ought to have been granted time bound promotion on completion of every 10 years or 5 years and relied on relevant Government Orders.

4. When the Writ Petition was taken up for hearing, the learned Additional Government Pleader submitted that the relevant Government Orders are applicable to the Police Department. But the petitioner has served in prison



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and the Prison Department has separate Special Service Rules and the Government Orders are not applicable. Moreover, as on date even the Police Department is not entitled to time bound promotion, since the said issue is already settled by the Hon'ble Full Bench of this Court vide order dated 04.02.2022 passed in *State of Tamil Nadu and others Vs. C. Srinivasan (W.A. Nos. 3748 of 2019 batch order dated 04.02.2022)* reported in 2022 (1) CTC 833. Therefore, the claim of the petitioner cannot be entertained.

5. Hence, the Writ Petitions are dismissed. No costs. Consequently, connected miscellaneous petitions are closed.

05.06.2023

NCC : Yes/No
Index : Yes / No
Internet : Yes/ No
Nsr



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S.SRIMATHY, J.

Nsr

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