



W.P.No.16138 of 2012

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.01.2024

CORAM :
THE HONOURABLE MR. JUSTICE J.SATHYA NARAYANA PRASAD

Writ Petition No.16138 of 2012
and M.P.No.1 of 2012

S.Mahendran

... Petitioner

Vs.

1.Government of Tamil Nadu,
Rep. by Secretary to Government,
Home (Police) Department,
Fort St.George, Chennai – 600 009.

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

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

... Respondents

Writ Petition filed under Article 226 of Constitution of India, praying for issuance of Writ of Certiorarified Mandamus calling for the records of the second respondent relating to (I) Rc.No.380/93654/NGB.VIII(2)/2005, dated 2.9.2005 and (2) the impugned order passed by the first respondent in Letter No.36840/Police 8/2007-28, dated 20.07.2011 quash the same and issue consequential directions to the respondents to grant accelerated promotion to the petitioner as Sub-Inspector of Police with effect from the date on which



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similar benefits was granted to other similarly placed persons with all consequential benefits.

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For Petitioner : Mr.M.Ravi

For Respondents : Mr.T.Chezhiyan,
Additional Government Pleader

ORDER

The petitioner has filed this writ petition to call for the records of the second respondent relating to (I) Rc.No.380/93654/NGB.VIII(2)/2005, dated 2.9.2005 and (2) the impugned order passed by the first respondent in Letter No.36840/Police 8/2007-28, dated 20.07.2011 quash the same and issue consequential directions to the respondents to grant accelerated promotion to the petitioner as Sub-Inspector of Police with effect from the date on which similar benefits was granted to other similarly placed persons with all consequential benefits.

2. Learned counsel for the petitioner submitted that the petitioner has joined service as Police Constable Grade-II on 25.05.1988 and was promoted as Police Constable Grade-I on 27.09.1999 and as Head Constable on 28.10.2004 and now serving as Head Constable in Salem City Police. When



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the petitioner was on Jungle Patrol Duty from 1990 to 1993 in the Special Task Force constituted to apprehend the Forest Brigand, Veerappan and his gang and in the course of his duty, the petitioner and 8 other personnel sustained grievous injury in the land mine blast by Veerappan and his gang members at Sorraikkamaduvu on 09.04.1993 and in order to prove same, the wound certificate has also been issued by the Government Medical Officer. In this regard, a criminal case was registered in Cr.No.1/93, Bargur Police Station under Sections 147, 148, 332, 307 I.P.C and Section 25(1)(i) of Indian Arms Act and 174 Cr.P.C.

3. Learned counsel for the petitioner further submitted that the petitioner and the personnel of the Special Task Force were awarded with Special Task Force Injury Medal and cash award of Rs.2,50,000/- and the petitioner has also allotted with a housing plot M.20 in Thirumalaigiri TNUDP Scheme, Salem Housing Unit by the Tamil Nadu Housing Board in Letter No.Allotment-III-1/69930/2004, dated 28.10.2004. This being so, the petitioner has not been considered for accelerated promotion as Sub-Inspector of Police, as was given to all those personnel, who served in the



Special Task Force to get rid of the menace of Forest Offender, Veerappan.

Therefore, the petitioner made a representation dated 26.04.2005 before the second respondent, seeking consideration for accelerated promotion and the same was rejected vide Rc.No.380/93654/NGB.VIII(2)/2005, dated 02.09.2005 on the ground that the petitioner was not eligible for accelerated promotion, since he had been given injury medal, cash award and housing plot.

4. Learned counsel for the petitioner would further submit that accelerated promotion of Sub-Inspector of Police has been granted to one Mr.Padmanaban, Police Constable, Grade-I (No.1250) of B-7 Police Station in Salem City Police Unity, who is the immediate senior in that grade and who was promoted along with the petitioner as Head Constable by upgradation. But, the petitioner was not considered for the same. Hence, challenging the order of the second respondent, the petitioner has preferred writ petition in W.P.No.718 of 2007. Pending this writ petition, the petitioner has preferred a detailed appeal before the first respondent, requesting to consider him for accelerated promotion as Sub-Inspector of



Police. Subsequently, this Court by its order dated 28.03.2011 disposed the petition with a direction to the first respondent to consider the petitioner's representation and pass orders in the appeal dated 06.03.2007 preferred by the petitioner as against the order of the second respondent dated 02.09.2005, within a period of twelve weeks from the date of receipt of a copy of that order. However, the first respondent rejected the appeal vide Letter No.36840/Police8/2007-28, dated 20.07.2011. Aggrieved over the order passed by the second respondent in Rc.No.380/93654/NGB.VIII (2)/2005, dated 02.09.2005 and the order passed by the first respondent in Letter No.36840/Police 8/2007-28, dated 20.07.2011, the petitioner has come forward with the present writ petition.

5. A counter affidavit has been filed by the third respondent in the month of March 2013. Learned Additional Government Pleader appearing for the respondents submitted that the petitioner has sustained only minor injury and not grievous injury and the same has been proved by the wound certificate issued by the Medical Officer, Mettur, who treated the petitioner. Hence, he is not entitled for accelerated promotion.



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6. Heard the learned counsel on either side and perused the materials available on record.

7. In the impugned order passed by the first respondent dated 20.07.2011 in which it is stated that the case of the petitioner was examined in consultation with the Director General of Police, Chennai/The second respondent herein and it was stated by the second respondent that the petitioner has sustained only minor injury and not the grievous injury during the bomb blast occurred on 09.04.1993. Based on the Wound Certificate issued by the Medical Officer, Mettur, the petitioner was awarded a cash reward of Rs.2,50,000/- with house plat and a injury medical.

8. It is not in dispute and it is an admitted fact that the petitioner was posted in Jungle Patrol Duty from 1990 to 1993 in the Special Task Force and injury was also suffered by the petitioner. According to G.O.Ms.No.468, Home (Pol. V), Department, dated 19.03.1996, the Government have constituted a board and prescribing guidelines for accelerated promotion to



the police personnel, who were in the Special Task Force to nab the forest brigand Veerapan and this G.O was in effect till 2008 and the same was disbanded by issuing G.O.Ms.No.769, Home (Pol.VIII), Department, dated 11.07.2008. The case of the petitioner was recommended way back in the year 09.07.2005 by the Deputy Inspector General of Police, Tirunelveli for accelerated promotion vide his letter in C.No.C2/1007/2005/18/05 dated 24.01.2005. Even though the board was constituted as per the G.O.Ms.No.468 , Home (Pol. V), Department, dated 19.03.1996, the case of the petitioner was not referred to the board. According to the respondents, the new board was constituted vide G.O.Ms.No.805, Home (Pol.V), Department, dated 07.10.2013 for accelerated promotion for Police Personnel for professional achievements and for achievements in sports.

9. Since the case of the petitioner was not referred to the board, this Court is inclined to refer the matter to the board, which was constituted on 07.10.2013 to examine the case of the petitioner for accelerated promotion as Sub-Inspector of Police, when similarly placed persons were granted the same by the respondents. The petitioner has superannuated on attaining the



age of superannuation and after serving as Special Sub-Inspector of police, if the case of the petitioner was considered as it was done in the case of other similarly placed persons, the petitioner would have retired as Inspector of Police on the date of his retirement.

10. Hence, this Court is inclined to remit the matter back to the board, which is constituted to examine the cases in regard to the accelerated promotion to the persons of the Special Task Force, Satyamangalam, which is formed to nab the forest brigand, Veerapan and the said exercise shall be completed within a period of three months from the date of receipt of a copy of this order. The board, while examining the matter of the petitioner should also take into consideration the G.O.Ms.No.1252, Home (Pol.VIII), Department, dated 29.10.2004. If the board decides the matter in favour of the petitioner, then thereafter, the consequential benefits for which the petitioner is entitled as per the rules and regulations shall be paid within a period of three months.

11. This writ petition is disposed of with the above observation and



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directions. No costs. Consequently, connected miscellaneous petition is also closed.

30.01.2024

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Index : Yes/No

Speaking Order : Yes/No

Neutral Citation : Yes/No

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