



W.P.Nos.2079 and 2081 of 2020

IN THE HIGH COURT OF JUDICATUE AT MADRAS

DATED: 03.09.2024

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THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P.Nos.2079 and 2081 of 2020

1.R.Palanisamy

2.G.D.Ranganathan

.. Petitioners in W.P.No.2079/20

S.Ramachandran

.. Petitioner in W.P.No.2081/20

Vs

1.The Secretary to Government,
Home (Police – VI) Department,
Fort St. George,
Chennai.

2.The Director General of Police,
Mylapore,
Chennai – 4.

3.The Deputy Inspector General of Police,
Salem Range,
Salem.

.. Respondents in both Writ
Petitions



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Common Prayer: Writ Petitions are filed under Article 226 of the Constitution of India seeking for issuance of a writ of certiorarified mandamus to call for the records of the second respondent in connection with the impugned order passed by him in Rc.No.73525/NGBI(1)/2017, dated 11.09.2017 and quash the same and further direct the respondents to fix the seniority of the petitioners from 11.07.2007, the date of officiating the post of Sub-Inspector of Police in a substantive vacancy and to grant all consequential service and monetary benefits.

For Petitioners : Mr.G.Ilamurugu

For Respondents : Mr.P.Kumaresan, AAG

Assisted by Mr.V.Manoharan, AGP

COMMON ORDER

The writ petitions have been filed challenging the order passed by the second respondent rejecting the request of the petitioners to fix their seniority from 11.07.2007, the date on which they were temporarily promoted to the post of Sub-Inspector of Police.

2. While the petitioners in W.P.No.2079 of 2020 were appointed as Grade-II Police Constable on 01.08.1984 and 12.09.1986 respectively,



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the petitioner in W.P.No.2081 of 2020 was appointed in the same post on

17.11.1988. The petitioners in W.P.No.2079 of 2020 got promoted as

Head Constable in the year 1989 and the petitioner in W.P.No.2081 of

2020 got promoted as Head Constable in the year 1998. Thereafter, they

were temporarily promoted to the post of Sub-Inspector of Police in the

year 2007 and they were granted regular promotion in Sub-Inspector

cadre on 06.09.2011, 06.09.2011 and 01.06.2012 respectively.

Therefore, they have submitted a representation seeking regularization of

their services in the cadre of Sub-Inspector of Police from the date of

their temporary promotion to the post of Sub-Inspector of Police.

Initially, the said request was rejected by the Superintendent of Police,

Namakkal District, vide his proceedings dated 19.05.2014. However,

suppressing the said fact, the petitioners once again submitted a

representation dated 28.03.2017 before the Additional Director General

of Police (Administration), Chennai. Thereafter, the petitioners

approached this Court for a direction to consider their representation and

in compliance to the direction of this Court, the second respondent

rejected the request of the petitioners.



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3. Learned counsel for the petitioners would submit that the promotional avenue in the police department is from Grade-II to Grade-I, Head Constable, Sub-Inspector and Inspector of Police. While the petitioners were serving in Salem Range, there was a vacancy in the promottee quota and in view of the same, they were promoted as Sub-Inspector of Police on temporary basis on 11.07.2007. However, their probation was not declared after completion of two years period in Sub-Inspector of Police. Had their probation been declared within a period of two years, their names would have been included in the 'A' list in the year 2009 itself. However, the second respondent, by an order dated 27.12.2010, directed the third respondent to pass consequential order. Subsequently, after a lapse of one year, the second respondent, by an order dated 11.12.2011, included the names of the petitioners in the 'C' list of regular Sub-Inspector of Police for the year 2010. Although the crucial date is 01.01.2010, the department fixed the crucial date as 06.09.2011 erroneously.



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4. He would further submit that the petitioners were promoted to the post of Sub-Inspector of Police in the regular vacancy and on promotion, they were transferred to another district in Armed Reserve (AR) category. That apart, their promotion was not ad-hoc promotion and they were promoted in the permanent vacancy as per the Rules. Therefore, they ought to have been declared their probation within two years from the date of their appointment in the cadre of Sub-Inspector of Police. However, without considering the same, the request of the petitioners was rejected by the second respondent.

5. The submission of the learned Additional Advocate General based on the counter affidavit filed by the second respondent would reveal that the petitioners were promoted to the post of Sub-Inspector of Police purely on temporary basis under Rule 15(a) of the Special Rules for the Tamil Nadu Subordinate Services Rules. As per the seniority list in Salem Range, the petitioners were temporarily appointed as Sub-Inspector of Police in the existing vacancy intended for direct recruitment quota. As per the Tamil Nadu Subordinate Service Rules,



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60% of the vacancies of the Sub-Inspector of Police in Armed Reserve of each district/city are allotted to direct recruitment quota and 40% of the vacancies are allotted to rank promotees. Since there were vacancies in the direct recruitment quota, the petitioners were appointed temporarily in order to cater to the work of Sub-Inspector of Police under Rule 15(a) of the Special Rules for Tamil Nadu Subordinate Service Rules.

6. For better understanding, it is relevant to extract below Rule 15(a) of the Special Rules for Tamil Nadu Subordinate Service Rules:-

(i) They will be reverted as Head Constables if they come to any adverse notice while serving as temporary Sub-Inspectors of Police.

(ii) They should not claim any seniority in the period of service rendered during the temporary promotion period.

(iii) They should not file any case before the Court in future claiming the seniority for the services rendered during the temporary promotion period.

(iv) For further promotion as Inspector of Police, their date of regularization along with their men in



counter-part alone will be considered and not on the date from which they have been given temporary promotion.”

7. Thereafter, among the Sub-Inspector of Police, Armed Reserve, who were acting as Sub-Inspector of Police temporarily; Special Sub Inspector of Police; and Head Constables, fit for promotion as regular Inspector of Police for the year 2010-2011, a panel was drawn and upon drawing the panel, the second respondent effected promotion to them as per the proceedings dated 21.11.2011 and thereby regularized their services in the category of Sub-Inspector of Police with effect from 06.09.2011. That apart, a perusal of the record would reveal that the very same request made by the petitioners to fix their seniority from the date of their temporary promotion to the post of Sub-Inspector of Police was earlier rejected by the Superintendent of Police, Namakkal District, vide his proceedings dated 19.05.2014. However, suppressing the said fact, the petitioners once again submitted a representation before the second respondent and after the directions issued by this Court, the request of the petitioners was rightly rejected by the second respondent. Therefore, the prayer of the petitioners to regularize their services from the date of



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their temporary promotion to the post of Sub-Inspector of Police cannot be considered.

8. Accordingly, for the reasons stated above, this Court finds no error or illegality in the impugned order passed by the second respondent. In fine, the writ petitions are dismissed as devoid of any merit. No Costs. Consequently, connected miscellaneous petitions are closed.

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Index:yes/no
Neutral citation: yes/no



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