



W.A.No.1123 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 26.06.2024

CORAM :

THE HON'BLE MR.JUSTICE S.M.SUBRAMANIAM
AND

THE HON'BLE MR.JUSTICE C.KUMARAPPAN

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and CMP Nos.13673 and 13674 of 2020

1. The State Rep by
The Secretary to Government
Home (Police) St.George Fort,
Chennai.
2. The Director General of Police,
Mylapore, Chennai.
3. The Commissioner of Police,
Egmore, Chennai.
4. The President cum Deputy Commissioner,
Washermenpet, Greater Chennai Police,
Head Constable Promotion Special Board,
Chennai.

.. Appellants

Vs

P.Selvakumar

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters patent against the order dated 15.03.2019 passed in W.P.No.20414 of 2013 on the file of this Court.



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For the Appellants : Mr.P.Kumaresan
Addl.Advocate General
Assisted by
Mr.D.Gopal
Government Advocate

For the Respondent : Mr.K.Elangoo
On Caveat

JUDGMENT

(Judgment of the Court was made by
S.M.SUBRAMANIAM, J.)

This appeal has been preferred by the State against the common order dated 15.03.2019 passed in a batch of writ petitions.

2. The respondent in the writ appeal was recruited to the post of Grade-II Police Constable in the year 1991-92. The grievance of the respondent was that he was not promoted to the post of Head Constable and Sub-Inspector of Police on par with his juniors.

3. The learned Additional Advocate General, Mr.P.Kumaresan, would submit that the case of the respondent and others were considered for retrospective promotion and the respondent was promoted as such to the post of Head Constable vide G.O.Ms.No.92,



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Home (Police) Department, dated 08.02.2011. Thereafter, Special Range Promotion Board was constituted specifically to assess the merit of these retrospective promoted head constables. The respondent and others were unsuccessful before the Range Promotion Board. Since the respondent and others were not selected for promotion to the post of Sub-Inspector of Police by the Range Promotion Board, they were not granted promotion. Thus, they filed writ petitions in the year 2013 seeking retrospective promotion to the post of Sub-Inspector of Police on par with their batchmates. The writ petition was allowed. Thus, the State preferred this appeal.

4. The learned Additional Advocate General would submit that the respondent and others are not eligible for promotion since they were not selected by the Range Promotion Board in the year 2013. However, they were considered for promotion to the post of Sub-Inspector of Police subsequently in view of the fact that the Range Promotion Board was abolished.

5. After abolition of the Range Promotion Board, the case of the respondent and others were considered for promotion and admittedly,



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the respondent was promoted to the post of Sub-Inspector of Police. Therefore, the appellants need not disturb the promotion already granted to the respondent in the post of Sub-Inspector of Police.

6. The claim of retrospective promotion of the respondent to the post of Sub-Inspector of Police cannot be considered in view of the fact that the respondent was granted retrospective promotion to the post of head constable vide G.O.Ms.No.92, dated 08.02.2011 and he failed before the Range Promotion Board in the year 2013. That being the factum, the relief granted by the Writ Court is not in consonance with the service rules which are all applicable to the respondent.

Accordingly, the impugned order dated 15.03.2019 in W.P.No.20414 of 2013 is set aside. The writ appeal stands allowed. No costs. Consequently, connected miscellaneous petitions are closed.

(S.M.S., J.) (C.K., J.)
26.06.2024

Index : Yes
NC : Yes
sra



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S.M.SUBRAMANIAM, J.
AND
C.KUMARAPPAN, J.

(sra)

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