



W.P.No.12073 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.01.2024

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**THE HONOURABLE Ms.JUSTICE R.N.MANJULA**

W.P. No.12073 of 2021

D.Nagendran

...

Petitioner

/vs/

1. The Director General of Police,  
Tamil Nadu, Chennai – 600 004.

2. The Deputy Inspector – General of Police,  
Kancheepuram Range, Kancheepuram.

3. The Superintendent of Police,  
Kancheepuram District,  
Kancheepuram.

4. The Accountant General (A & E),  
Tamil Nadu, Chennai – 600 018.

... Respondents

Writ Petition is filed under Article 226 of the Constitution of India to issue a writ of mandamus directing the respondents to pass appropriate orders on the claim of the petitioner for extension of the benefits conferred under G.O.No.844, Home (Police) Department, dated 03.06.1997 and in accordance with G.O.No.1247, Home (Police V) Dept., dated 28.10.2004, modifying the dates of upgradation of the petitioner as Police Constable, Grade I, Head Constable and Special Sub Inspector of Police and revision of retirement and pensionary benefits on that basis.



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For Petitioner ... Ms.R.Apoorva  
For Respondents ... Mr.Yogesh Kannadasan  
Special Govt. Pleader

### ORDER

This Writ Petition has been filed for the issuance of a Writ of Mandamus directing the respondents to pass appropriate orders on the claim of the petitioner for extension of the benefits conferred under G.O.No.844, Home (Police) Department, dated 03.06.1997 and in accordance with G.O.No.1247, Home (Police V) Dept., dated 28.10.2004.

2. Ms.R.Apoorva, the learned counsel for the petitioner, submitted that the petitioner was not given with the promotion as 'Head Constable' by considering his period of service; the Government, vide G.O.Ms.No.844, Home (Police) Department dated 03.06.1997, introduced the upgradation system by which the persons who completed 15 years of service as 'Police Constable Grade-I' can be upgraded as 'Head Constables'; the petitioner's claim is that if the said Government Order is not issued, he would not have been promoted as 'Head Constable'; since the petitioner had completed 20 years of service, he was given with upgradation from 29.08.1994. It is further submitted that as per G.O.1247, Home (Police V) Department,



3. Mr.Yogesh Kannadasan, the learned Special Government Pleader, submitted that the petitioner was promoted to the post of 'Head Constable' on 29.08.1994; since he has completed only four years of service as 'Head Constable' and crossed 53 years of age, he is not eligible for the promotion of 'Sub-Inspector of Police' as per Rule 3(d) of the Special Rules for Tamil Nadu Police Subordinate Service (Discipline and Appeal) 1955; G.O.No.844, Home (Police) Department dated 03.06.1997. The petitioner has got only prospective implementation and it cannot be applied retrospectively; hence, the petitioner cannot be upgraded retrospectively.

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appropriate orders. However on the representation given by the petitioner, the respondents have not passed any order so far. Only if an opportunity is given to the petitioner to make his submission on the rules now pointed out by the learned Special Government Pleader, the Government can pass any orders.

5. Since this writ petition has been filed for mere direction and not challenging the orders passed by the first respondent, the first respondent is directed to consider the representation of the petitioner dated 07.02.2020 and pass orders within a period of six weeks from the date of receipt of a copy of this order.

6. With the above observation, this Writ Petition is disposed. No costs.

**08.01.2024**

Index: Yes / No  
Speaking order / Non-speaking order  
Neutral Citation: Yes / No  
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WEB COPY To:

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**R.N.MANJULA ,J.**

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