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W.P.No.12269 of 2022 etc.

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 29.02.2024

CORAM:

THE HONOURABLE MR. JUSTICE **G.K.ILANTHIRAIYAN**

W.P.Nos.12269, 12273, 12277, 12285, 12286, 12292,
12299, 12301, 12304, 12307, 12311 of 2022

W.P.No.12269 of 2022:-

S.Vadivambiga

...Petitioner

-Vs -

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

2. The Director General of Police,
Dr. Radhakrishnan Salai,
Mylapore,
Chennai – 600 004.

3. The Commissioner of Police,
Grater Chennai City Police,
Chennai – 600 007.

... Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, directing the respondents herein to pass appropriate orders revising the date of promotion of the petitioner to the post of Head Constable by upgradation as 01.03.1986 and the date of



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my promotion to the post of Sub Inspector of Police as 01.03.1996 and on that basis consequently include the petitioner's name in the appropriate place in the appropriate panel for promotion to the post of Inspector of Police and to notionally promote her as such with retrospective effect on par with Men Constables, and grant all consequential benefits to the petitioner, including revised retirement and pensionary benefits in the cadre of Inspector.

In all W.Ps.

For Petitioner : Mr.M.Ravi

For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mrs.R.L.Karthika
Government Advocate.

COMMON ORDER

These writ petitions have been filed for direction directing the respondents to revise the date of promotion of the petitioners in the post of Head Constable by upgradation as 01.03.1986 & 01.04.1986 respectively and the date of their promotion to the post of Sub Inspector of Police as 01.03.1996 & 01.04.1996 respectively and grant all consequential benefits to the petitioners, including revised retirement and pensionary benefits.



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2. All the writ petitions have been filed for the very same direction and all the petitioners have the very same grievance. Therefore, this Court is inclined to pass a common order.

3. The petitioners were appointed as Police Constable Grade -I and later they were upgraded as Head Constable in the year 1994. Thereafter, they were promotion to the post of Sub Inspector of Police in the year 2004. The petitioners had aggrieved with regard to upgradation of Head Constable, which ought to have been granted on completion of five years of service as Grade-I Police Constable and as Sub Inspector of Police on completion of ten years of service as Head Constable and further promotion as Inspector of Police. There was a delay in each and every stage on their upgradation.

4. The case of the petitioners is that they were recruited as Police Constable Grade-I in the year 1981 and thereafter they were promoted as Head Constable in the year 1996 and as Sub Inspector of Police in the year 2004-2005. An upgradation policy of the government was introduced in the year 1992, whereby Men Grade-II Police



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Constables numbering about 16,800 languishing in the lower post without any promotion due to mismanagement and they were ordered to be upgraded as Grade-I Police Constable. At that point of time, policy decision was taken that the police constables who have completed ten years of service will be automatically upgraded Grade-I Police Constable and those Grade-I Police Constable who have completed five years of service without any punishment including black mark were ordered to be upgraded to the post of Head Constable. Therefore, now the petitioners sought for promotion to the upgraded post as early as, during the year 1986 itself.

5. Heard the learned counsel appearing on either side and perused the material placed before this Court.

6. It is seen that the petitioners were appointed as Grade I Police Constable in the year 1981 and they were upgraded to the post of Head Constable in the years 1994 & 1996. Thereafter, they were promoted to the post of Sub Inspector of Police in the years 2004 & 2005. Thereafter, they were retired from their service during the years



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2007 to 2019. The service particulars of the petitioners are as follows :-

S . No.	W.P.No.	Name	Date of Enlistment	Date of Head Constable upgradation	Date of Sub Inspector promotion	Date of retirement (AN)
1	12269/22	S.Vadivambiga	11.02.1981 as WGRI.PC	30.10.1994	30.08.2004	30.06.2019
2	12285/22	P.Dill	16.03.1981 as GRI.PC	09.12.1996	20.07.2005	30.06.2014
3	12292/22	G.Dhana lakshmi	16.03.1981 as WGRI.PC	09.12.1996	08.10.2004	31.07.2015
4	12311/22	G.Karuna bai	11.02.1981 as GRI.PC	30.09.1994	08.10.2004	31.05.2017
5	12307/22	K.Kalaiselvi	16.03.1981 as WGRI.PC	09.12.1996	08.10.2004	31.12.2016
6	12299/22	V.Subashini	16.03.1981 as WGRI.PC	09.12.1996	08.10.2004	31.03.2017
7	12273/22	C.Selvarani	13.02.1981 as WGRI.PC	09.12.1996	20.07.2005	28.02.2017
8	12304/22	S.Mythili	16.03.1981 as WGRI.PC	09.12.1996	08.10.2004	31.03.2017
9	12277/22	K.Nirmala	16.03.1981 as WGRI.PC	09.12.1996	08.10.2004	30.06.2014
10	12301/22	P.Shanthi	11.02.1981 as WGRI.PC	09.12.1996	08.10.2004	31.01.2018
11	12286/22	R.Vijaya kumari	16.03.1981 as WGRI.PC	09.12.1996	08.10.2004	28.02.2007

Thus depending upon the vacancies arose in the post of Head Constable and Sub Inspector of Police, they were granted promotion.



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7. That apart, there was no rule or particular period on which they are entitled for next upgradation. Only in the year 1997, the government passed order in G.O.(Ms.)No.844 Home (Police-5) Department, dated 03.06.1997, thereby considered time bound promotion. According to the said G.O., those who had worked as Grade-II Police Constable for the period of ten years to be promoted as Grade-I Police Constable and those who had completed five years of service as Grade-I Police Constable to be promoted to the post of Head Constable. Subsequent to the said government order, another order was also passed in G.O.Ms.No.937 Home (Police -III) Department, dated 21.07.1998, in which those who have rendered 25 years of service including ten years service as Head Constable will be promoted to the post of Special Sub Inspector.

8. As far as the petitioners are concerned, they were initially appointed in the year 1981 and depending upon the vacancies arose, they were upgraded to the post of Head Constable and subsequently promoted to the post of Sub Inspector of Police. Therefore, the said rule is not applicable to the petitioners. That apart, as stated supra, all the



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petitioners were retired even from the years 2007 to 2019. After the period of these long years, the petitioners are claiming upgradation from the year 1986 onwards. Therefore, the entire claim of the petitioners cannot be granted and all the writ petitions are devoid of merits and liable to be dismissed.

9. Accordingly, all the writ petitions are dismissed. There shall be no orders as to costs.

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Index : Yes/No
Speaking/Non Speaking order
Neutral Citation : Yes/No

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G.K.ILANTHIRAIYAN. J.

rts

To

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