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W.P.No.15269 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.11.2024

PRONOUNCED ON : 17.12.2024

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.No.15269 of 2022
and
W.M.P.No.14435 of 2022

K.V.Sathasivam

... Petitioner

Vs.

1.State of Tamil Nadu

rep. by

The Additional Chief Secretary to
Government,

Department of Home, Prohibition & Excise,
Fort St. George,
Chennai-600 009.

2.The Committee for granting
accelerated promotion to the
Police Personnel

rep. by its Chairman,
Fort St. George,
Chennai-600 009.

3.The Director General of Police,
(Head of Police Force),
Law & Order,
Mylapore,
Chennai-600 004.

... Respondents



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Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records in pursuant to the impugned G.O.Ms No.71 Home (Police-III) Department dated 03.02.2020 issued by the first respondent and quash the same and consequently to direct the respondents to grant accelerated promotion to the petitioner as per the recommendations of the Superintendent of Police, Coimbatore District in Proceeding C.No.A1/28055/2010 dated Nil.07.2010 and as per the recommendations of the Deputy Inspector General of Police, Coimbatore in proceedings R.C.No.22279/A1/97 dated 21.04.1998 & in proceedings C.No.A1/4713/2010 dated 07.08.2010 with all consequential service and monetary benefits.

For Petitioner : Mr.S.Venkatesh

For Respondent : Mr.P.Kumaresan, AAG-VII
Nos.1 to 3 Asst. by
Mr.R.U.Dinesh Rajkumar, AGP

ORDER

The impugned G.O.Ms No.71 Home (Police-III) Department dated 03.02.2020 issued by the first respondent, is put under challenge by the petitioner herein in the present Writ Petition. Consequently, the petitioner seeks a direction to the respondents to grant accelerated promotion to him as per the recommendations of the Superintendent of Police, Coimbatore District in Proceeding



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C.No.A1/28055/2010 dated Nil.07.2010 and the Deputy Inspector General of Police, Coimbatore in proceedings R.C.No.22279/A1/97 dated 21.04.1998 & in proceedings C.No.A1/4713/2010 dated 07.08.2010 with all consequential service and monetary benefits.

2. Heard Mr.S.Venkatesh, learned counsel for the petitioner and Mr.P.Kumaresan, learned Additional Advocate Government appearing on behalf of the respondents.

3. The gist and kernel of the case reads as follows:

3.1. The petitioner joined as Grade II Police Constable on 24.12.1985 and was promoted as Sub Inspector of Police on 01.08.2000. Thereafter, he was further promoted as Inspector of Police on 01.08.2010 and subsequently, promoted as Deputy Superintendent of Police. When the petitioner was working as Head Constable in Armed Reserve, Coimbatore District, on 10.09.1995, a special team was formed under Ashok Kumar-DSP, Vellingiri-SI, one Rajendran Gr-II police constable and the petitioner herein to nab LTTE Cadres, who had escaped from Special Camp at Vellore Fort on 14.08.1995.



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3.2. Based on the information of one Velusamy, Grade I Constable, Special Branch, Karamadai Police Station, the Special team went and arrested Bhavi, LTTE escape, for which the said Velusamy was granted an accelerated promotion to the post of SI vide G.O.Ms No.902, Home (POL III) Department, dated 19.06.1997. The Coimbatore Range Promotion Board recommended the petitioner's name for accelerated promotion which decision was accepted and recommended by the DIG of Police, Coimbatore. Since no orders were passed on the said recommendations, the petitioner filed a Writ Petition in W.P.No.33980 of 2012 and this Court, by order dated 16.02.2017 directed the first respondent to consider the petitioner's representation and pass orders but however, the first respondent rejected the petitioner's request through impugned G.O.Ms No.71, Home (Police III) department, dated 03.02.2020.

4. Aggrieved by the same, the petitioner has come forward with the present Writ Petition.

5. The learned counsel for the petitioner submitted that the petitioner herein has put in 25 years of unblemished service and had been granted more than 125 rewards. He further submitted that the



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petitioner was promoted as SI of Police (AR) on 01.08.2000 in regular line. He also submitted that the petitioner's name was recommended for TNCM's police medal for outstanding devotion to duty/gallantry for 2009.

6. The learned counsel drew the attention of this Court to the case of One K.Krishnamoorthy, who was granted accelerated promotion by the order of this Court in W.P.No.15370 of 2013 dated 31.08.2017 and contended that the petitioner's case is also similar to that of Mr.K.Krishnamoorthy and hence, he has to be granted accelerated promotion by the respondents.

7. The learned counsel contended that though the Deputy Inspector General of Police and the Superintendent of Police have made recommendations for accelerated promotion to the petitioner considering his consistent efficient and energetic work in discharging his special assignments, without considering the same, the first respondent herein had rejected his claim for accelerated promotion. Therefore, he prayed this Court that the present petition has to be allowed and there shall be a direction to the first respondent to grant atleast one stage accelerated promotion to the petitioner.



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8. Per contra, the learned counsel for the respondents submitted that the petitioner herein has retired from service as Assistant Commandant, Coimbatore. He submitted that Mr.Velusamy, who had informed about the LTTE escapee K.Bhavi, was the only person who had been granted accelerated promotion in the said Special Operation. Aggrieved over the same, the petitioner has earlier approached this Court by way of W.P.No.33980 of 2012, wherein this Court had directed the Government to consider the recommendations of the Deputy Inspector General of Police, Coimbatore dated 07.08.2010 for accelerated promotion and pass orders on merits. Based on the order of this Court, his request was placed before the Accelerated Promotion Committee, wherein the Committee after a detailed enquiry, rejected his request stating that the act of the petitioner in having nabbed the LTTE Cadre K.Bhavi, who escaped from Vellore Fort during 1995 is appreciable, but it cannot be termed as 'exceptional'. He further contended that the petitioner's case cannot be compared with that of the act of Mr.K.Krishnamoorthy, who was granted accelerated promotion based on the orders of this Court in W.P.No.15370 of 2013, that too subject to the outcome of the SLP filed against the orders passed in W.A.No.2406 of 2019 as Deputy Superintendent of Police



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w.e.f. 11.03.1997, as he had entered the rear door and surrounded the accused, who was running out from the back door with his gun which made the team to arrest two fundamentalists and to seize large quantities of bombs and explosives.

9. Moreover, he argued that in the present case on hand, other than Velusamy, none of the police personnel of the special team has been granted accelerated promotion and the Accelerated Promotion Committee headed by the Chief Secretary to the Government had not recommended the case of the petitioner for accelerated promotion, as he was only a part of the special team and did not perform any individual act of bravery or valour as mentioned in G.O. Ms No.805, Home (POL V) Department, dated 07.10.2013. Hence, the Government in G.O.Ms No.71 Home (POL-III) Department, dated 03.02.2020 had rightly rejected his request. Hence, the petitioner herein is not entitled for accelerated promotion and the petition is liable to be dismissed.

10. Considered the rival submissions made by the respective counsels and perused the materials available on record.



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11. On a bare reading of the case reveals that an Accelerated Promotion Committee has been constituted for grant of accelerated promotion to the police personnel, who discharge their duties in the special task and the object of the Committee is that to conduct a detailed enquiry on the proposal for accelerated promotion and only if the individuals had performed an act of extraordinary bravery and valour and such act resulted in achieving the operation success, they can be granted accelerated promotion as per G.O. Ms No.805 dated 07.10.2013 and merely being a part of the special team cannot be granted with such promotion.

12. It is also brought to the notice of this Court by the learned counsel for the petitioner that the petitioner's case is similar to that of one Mr.K.Krishnamoorthy, who have been granted accelerated promotion but it is predominant to note that the bravery act of the Krishnamoorthy paved the way for success of the operation and the petitioner herein had not highlighted any of his such act in the submissions to support his claim.



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13. In the case on hand, though this Court had earlier passed an order dated 16.02.2017 in W.P.33980 of 2012 to consider the case of the petitioner, the Committee after conducting a detailed enquiry rejected his request stating that, the petitioner has not fulfilled the conditions as per G.O. Ms No.805 dated 07.10.2013, as his individual act is not an exceptional one but he was only a part of the special team.

14. Considering the enquiry report of the Committee, wherein it has been stated that the act of the petitioner is appreciable, but the same cannot be termed as exceptional and he does not fulfill the conditions of G.O.Ms No.805 dated 07.10.2013 and rejected his request, this Court is of the considered view that the petitioner is not entitled for the relief sought for, since he has not satisfied the conditions as per G.O. Ms No.805 dated 07.10.2013 of the Accelerated Promotion Committee.



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15. For the foregoing reasons, the Writ Petition stands dismissed. Consequently, connected Miscellaneous Petition is closed.
There shall be no orders as to costs.

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Index: Yes/No
Order: Speaking/Non-Speaking
NCC : Yes/No

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