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W.P.Nos.724, 3811 to 3813, 4597, 5613, 5882, 11248, 12619, 12620 of 2014 and 1984

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.09.2024

CORAM

THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

W.P.Nos.724, 3811 to 3813, 4597, 5613, 5882,
11248, 12619 and 12620 of 2014

and

W.P.No.19842 of 2016

and

M.P.Nos.1, 1, 1 and 1 of 2014

W.P.No.724 of 2014

K.R.Dilli

... Petitioner

Vs.

1. The Secretary to Government,
Represented by the State of Tamil Nadu,
Fort St.George, Chennai – 600 009.

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

3. The Commissioner of Police,
Egmore, Chennai – 600 008.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorari, calling for the records relating to the proceedings to G.O (D) No.970, Home (Police-3) Department, dated 26.11.2013 from the respondents and quash the same consequently issuing mandamus, directing the respondents to grant promotion as Inspector of Police and also enforcing the petitioner's name in



Sl.No.117 from C List 1991-92.

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In all Writ Petitions

- For Petitioner : Mr.B.Gandhi for M/s.G.Appavu
(in W.P.No.724 of 2014)
- For Petitioner : Mr.S.Prabakaran, Senior Counsel
for Mr.Krishna Kumar
(in W.P.No.3811 of 2014)
- For Petitioners : Mr.M.A.Gouthaman
(in W.P.Nos.3812 & 3813 of 2014)
- For Petitioners : Mr.R.Premnarayanan
(in W.P.Nos.4597, 5613 , 5882,
11248 of 2014 and 19842 of 2016)
- For Petitioner : Mr.K.G.Ravichandran
(in W.P.No.12619 of 2014)
- For Petitioner : Mr.Vishnu Prasad for
M/s.Sarvabhauman Associates
(in W.P.No.12620 of 2014)
- For Respondents : Mr.P.Kumaresan,
Additional Advocate General
assisted by
Mr.Vadivelu Deenadayalan,
Additional Government Pleader

COMMON ORDER

In all these batch of writ petitions, an identical issue arise for consideration and as such, they are all taken up for consideration together and are being disposed of by this common order.



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2. All the petitioners herein, who were initially appointed as 'Constable' were subsequently promoted to the post of 'Head Constable' and then they were temporarily appointed to the post of 'Sub-Inspector of Police'. The petitioners, on having come to know that, one S.Megakumar, who was also appointed like the petitioners herein, as 'Constable Grade-II', was extended the benefit of relaxation of Rule 3(d) of the Special Rules for Tamil Nadu Police Sub-ordinate Service Rules (hereinafter referred to as 'the Special Rules' for short) in exercise of power under Rule 39 of the Special Rules by issuing G.O (Ms) No.349, Home (Prisons-3) Department, dated 14.03.2008, made a claim for extending the similar benefits as well as notional promotion from the years 1991-1992 by including their names in the 'C-List' of eligible 'Head Constables' for promotion to the post of 'Sub-Inspector of Police'. The said claim of the petitioners in this batch of writ petitions except W.P.Nos.5882, 12619 and 12620 of 2014 was considered by the respondents and their claim was rejected by passing various orders, which are impugned in this batch of writ petitions. Whereas in W.P.Nos.5882, 12619 and 12620 of 2014, the petitioners sought for a writ of mandamus to direct the respondents to include the names of the petitioners therein in the 'C-List', eligible for promotion to the post of



'Sub-Inspector of Police' for the years 1991-1992. The basis for the petitioners in this batch of writ petitions to seek the relief, as sought for in the respective writ petitions is G.O (Ms) No.349, Home (Prisons-3) Department, dated 14.03.2008 issued in favour of one S.Megakumar. The validity of the said Government Order is considered by this Court in W.P.No.1694 of 2010 and batch by a common order dated 10.09.2024 (today) and the said Government Order is quashed by this Court.

3. In the light of the said order dated 10.09.2024 passed in W.P.No.1694 of 2010 and batch, the entire basis for the claim that is being made by the petitioners in this batch of writ petitions is no more available. In addition to the said Government Order, some of the petitioners have also placed reliance on various other orders issued by the Respondent No.2, extending the benefit of notional promotion to some of the persons, who are similarly situated like the petitioners in this batch of writ petitions, who are also stated to be juniors to some of the petitioners in the cadre of 'Constable, Grade-II' and 'Head Constable' is concerned, the same cannot be directed to be extended to the petitioners, as this Court has already decided the same issue in W.P.No.1694 of 2010 and batch dated 10.09.2024 and any such benefit of notional promotion extended is found to be illegal, this Court is not inclined to issue a writ of mandamus to direct the



respondent to perpetuate the illegality committed by them by issuing the said proceedings, including the proceedings bearing RC.No.129431/NGB.V(2)/2010 dated 30.08.2011 issued by the Respondent No.2.

4. Though this Court is fully convinced that the said proceedings dated 30.08.2011 is not in conformity with the law, is not inclined to interfere with the same, as the beneficiaries of the said proceedings are not impleaded as party respondents to this batch of writ petitions.

5. However, the contention of Mr.Prabakaran, learned Senior Counsel that the petitioners were not considered for promotion to the post of 'Sub-Inspector of Police' and further promotions in their own turn and seniority is concerned, it is always open for the petitioners to approach the Respondents 2 and 3 in case of any such grievance claiming for seniority and promotion as per their own entitlement without reference to relaxation of the Rules. In case, if the petitioners in this batch of writ petitions make any claim for considering their cases for promotion to the post of 'Sub-Inspector of Police, Inspector of Police' and further promotions, basing upon their seniority and eligibility, the Respondents 1 and 3 shall consider



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the same in accordance with law and pass orders as expeditiously as possible at any rate within a period of four weeks from the date of making of such claim by the respective petitioners.

6. Subject to the above observations, these batch of Writ Petitions are dismissed. There shall be no order as to costs. Connected Miscellaneous Petitions, if any shall stand closed.

10.09.2024

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Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No

To

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MUMMINENI SUDHEER KUMAR, J.

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