



WEB COPY

W.P.No.34622 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.11.2024

CORAM

**THE HONOURABLE MR.JUSTICE MUMMINENI SUDHEER
KUMAR**

W.P.No.34622 of 2014

V.Damodaran

... Petitioner

Vs.

1. The Government of Tamil Nadu,
Represented by its Home Secretary,
Fort St.George, Chennai – 600 009.
2. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai – 600 004.
3. The DIG of Police,
Vellore Range, Vellore.
4. The Superintendent of Police,
Tiruvannamalai District,
Tiruvannamalai Town.

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records pertaining to Endorsement in Rc.No.16656/NGB.III(2)/2013 dated 15.05.13 passed by



second respondent and quash the same and consequently direct the respondents to correct date of promotion of the petitioner as Grade-I Constable from 21.2.1993 to 13.10.1982 and the date of promotion as Head Constable from 16.01.1998 to 13.10.1987 as per G.O.Ms.No.844, Home Department, dated 03.06.1997 and thereafter promote him as Special Sub-Inspector of Police on 13.10.1997 as per G.O.Ms.No.937, Home (Police-3) Department dated 21.07.1998 and G.O.Ms.No.15, Home (Police V) Department, dated 07.01.2010 and pay pension and other monetary benefits accordingly.

For Petitioner : Mr.S.Pushpakaran

For Respondents : Mr.S.Arumugam,
Government Advocate

ORDER

The petitioner herein, who was initially appointed as 'Grade II Police Constable' on 13.10.1972 was upgraded as 'Grade I Police Constable' on 21.02.1993 in terms of the scheme introduced by the Government through G.O (Ms) No.1681, Home (Pol.V) Department, dated 12.10.1992 and



WEB COPY

thereafter, he was further upgraded as 'Head Constable' on completion of five years of service in the cadre of 'Grade I Police Constable'. It is thereafter, the petitioner retired from service on 31.07.2007 on attaining the age of superannuation. It was thereafter, the petitioner claimed to have submitted a representation dated 03.12.2012, claiming for upgradation to the post of 'Grade I Police Constable' on completion of 10 years of service from the date of the initial enrollment as 'Grade II Police Constable' and complaining the inaction on the part of the respondents, approached this court by filing W.P.No.34284 of 2012 and this court by an order dated 20.12.2012, directed the respondents to consider the said representation. It is pursuant to the said order, the representation of the petitioner was considered and rejected by the respondents by passing the impugned order bearing Rc.No.16656/NGB. III(2)/2013, dated 15.05.2013. It is aggrieved by the said order dated 15.05.2013, the petitioner approached this court by filing the present writ petition.

2. It is the contention of the learned counsel for the petitioner that the service rendered by the petitioner from the date of his initial enrollment as 'Grade II Police Constable' is required to be taken into consideration in terms



WEB COPY

of G.O (Ms) No.1681, Home Department, dated 12.10.1992 and in case, if the same is taken into consideration, he would have been entitled for upgradation to the post of 'Grade I Police Constable' in the year 1982 and then, the post of 'Head Constable' in the year 1988 and thereafter, entitled for further upgradation to the post of 'Special Sub-Inspector of Police' in terms of the scheme.

3. A perusal of the said scheme introduced through G.O (Ms) No.1681, Home Department, dated 12.10.1992 would disclose that the same was introduced to avoid stagnation in the post of 'Police Constable' and to encourage the Police Constables by providing the time bound upgradation. The said scheme itself was introduced with effect from 12.10.1992. Admittedly, the said Government Order was not given retrospective effect and the same is prospective on the face of it. In terms of the said Government Order, the petitioner was upgraded to the post of 'Grade I Police Constable' on 21.02.1993 and then further upgraded to the post of 'Head Constable' on 16.01.1998 and he retired from service on 31.07.2007 in the cadre of 'Head Constable' even before completing 10 years of service in the post of 'Head Constable'.



WEB COPY

4. The grievance of the petitioner relates back to the year 1993, when he was upgraded to the post of 'Grade I Police Constable' with effect from 21.02.1993. But, for the reasons best known, the petitioner has not raised his little finger since 1993, till the year 2012, when he submitted his representation. Thus, the claim of the petitioner is barred by laches, as the petitioner has made claim for counting of service from the date of his initial appointment as 'Grade II Police Constable' for the first time only after a lapse of about 20 years. In the light of the above, the writ petition is liable to be dismissed on the ground of laches above. Even otherwise, in terms of the scheme, the counting of service rendered by the petitioner, since the date of his enrollment as 'Grade II Police Constable', is not contemplated and the said Government Order was given only prospective effect and therefore, this court is unable to find any error or illegality in the impugned order passed by the respondents nor there is any merit in the claim of the petitioner.

5. In the circumstances, this writ petition is dismissed as devoid of merits. No costs. Connected miscellaneous petitions, if any, shall stand closed.



W.P.No.34622 of 2

05.11.2024

WEB COPY

skr

Index : Yes / No

Speaking order / Non-speaking order

Neutral Citation : Yes / No



WEB COPY

W.P.No.34622 of 2



MUMMINENI SUDHEER KUMAR, J.

skr

To

1. The Home Secretary to Government of Tamil Nadu,
Fort St.George, Chennai – 600 009.
2. The Director General of Police, Kamarajar Salai, Mylapore,
Chennai – 600 004.
3. The DIG of Police, Vellore Range, Vellore.
4. The Superintendent of Police, Tiruvannamalai District,
Tiruvannamalai Town.

W.P.No.34622 of 2014



WEB COPY



W.P.No.34622 of 2

05.11.2024