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W.A.Nos.4006 of 2019 etc batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.07.2024

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THE HONOURABLE Mr.JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

W.A.Nos.4006, 4034, 4040, 4046, 4037 & 4023 of 2019

and

**CMP.Nos.25325, 25121, 25219, 25221, 25296, 25297, 25322, 25333,
25336, 25371 & 25372 of 2019**

WA.No.4006 of 2019

1. The State of Tamil Nadu
represented by its
Secretary to Government,
Home Department, Fort St.George,
Chennai-600 009.
2. The Director General of Police,
Kamarajar Salai, Mylapore,
Chennai-600 004.
3. The Superintendent of Police,
District Police Office, Cuddalore District.

... Appellants

Vs.

S.Devadoss

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 22.09.2014 made in W.P.No.25714 of 2014.



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For Appellants : Mr.T.Chandrasekaran
Special Government Pleader
For Respondent : Mr.V.Ravikumar

COMMON JUDGMENT

[Judgment of the Court was delivered by **S.M.SUBRAMANIAM, J.**]

These Writ Appeals have been preferred by the Government against various judgments, granting upgradation as Special Sub Inspector of Police on completion of 25 years of service, irrespective of the period of service in the light of the judgment of this Court in the case of The Government of Tamil Nadu, Rep. by Home Secretary vs. V.Samy and others [W.A.(MD) Nos.1506 of 2011, etc., batch] dated 17.06.2013. However, in yet another case in The Principal Secretary to Government vs. V.Ramachandran and others [Rev.A.Nos.79 to 79 of 2015, etc., batch] dated 22.03.2017, the Division Bench of this Court took a contrary view to the effect that the claim of deemed promotion cannot be accepted, by further observing that the Bench could not 'blindfold itself by the earlier Division Bench judgment to allow the claim of the Writ Petitioners therein?.

2. In view of the conflict judgments rendered by this Court, the First Bench of this Court, vide judgment dated 20.12.2019, referred the issue to a



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Larger Bench to decide as to which judgment has laid down the correct law in respect of grant of upgradation in the Police Department.

3. When these batch of Writ Appeals are taken up for hearing, Mr.T.Chandrasekaran, learned Special Government Pleader appearing for the Government submitted that the Larger Bench of this Court, by an order dated 04.02.2022, has already answered the questions framed by the First Bench of this Court, which reads as follows:

“We hold that the Division Bench in V.Samy case did not lay down the law correctly and we uphold the law laid down in V.Ramachandran case to the extent that there is no deemed upgradation or deemed promotion contemplated in the relevant Government orders and the benefit of upgradation/promotion to the next level can be granted/claimed only on completion of the qualifying service in each level/rank as prescribed in the relevant Government Orders. At the risk of repetition, insofar as understanding the expression ‘retrospective operation’ is concerned, we hold that The Government Orders operate prospectively but it imposes/grants new results in respect of a past event. In other words, the Government Order operates forward but it looks backward and in that it attaches new consequences for the future to an event that took place before



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the Government Order was issued. If the Government Orders are understood in this perspective,, there is no need to get into the issue of ?retrospective operation?. Thus, we are of the view that the Division Bench while rendering the judgment in V.Ramachandran case dealt with the Government orders in its proper perspective and the judgment in V.Samy case is hereby overruled.?”

4. By relying on the aforesaid answer to the reference, Mr.T.Chandrasekaran, learned Special Government Pleader submitted that the law is now well settled and the Larger Bench upheld the proposition laid down by this Court in **V.Ramachandran case** (supra). She further submitted that in terms of the answer, there is no question of deemed upgradation or deemed promotion and the benefit can be extended only on completion of qualifying service in each level/rank. Hence, the orders of the learned Single Judge, granting deemed upgradation/promotion, which are the subject matter of these Writ Appeals need interference by this Court and are liable to be set aside.

5. Learned counsel for the Writ Petitioners fairly conceded that the answer given by the Larger Bench will not inure to the benefit of the Writ Petitioners and they have no case in these Writ Appeals.



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6. In view of the above submissions and taking into consideration the ratio laid down by the Larger Bench of this Court, **these Writ Appeals are allowed and the respective orders of the learned Single Judges are hereby set aside.** No costs. Consequently, connected Miscellaneous Petitions are closed.

[S.M.S., J.] [C.K., J.]
02.07.2024

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Index : Yes

Speaking order : Yes

Neutral Citation : Yes/No

To

1. The Secretary to Government
State of Tamil Nadu
Home Department, Fort St.George,
Chennai-600 009.
2. The Director General of Police,
Kamarajar Salai, Mylapore,
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