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W.A.No.432 of 2021

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.No.432 of 2021

and

CMP.No.1725 of 2021

1. The Government of Tamil Nadu
represented by its
Secretary to 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,
Thiruvarur District, Thiruvarur.

... Appellants

Vs.

SSI (1057 T.Veerasekaran (Rtd)

... Respondent

Prayer: Writ Appeal filed under Clause 15 of Letters Patent praying to set aside the order dated 31.10.2014 made in W.P.No.34903 of 2013.

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



W.A.No.432 of 2021

WEB COPY

J U D G M E N T

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

These Writ Appeal has 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 Larger Bench to decide as to which judgment has laid down the correct law



W.A.No.432 of 2021

in respect of grant of upgradation in the Police Department.

3. When the Writ Appeal is 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 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



W.A.No.432 of 2021

WEB COPY

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 order of the learned Single Judge, granting deemed upgradation/promotion, which are the subject matter of these Writ Appeal needs interference by this Court and are liable to be set aside.

5. Learned counsel for the Writ Petitioner 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.



W.A.No.432 of 2021

WEB COPY

6. In view of the above submissions and taking into consideration the ratio laid down by the Larger Bench of this Court, **this Writ Appeal is allowed and the order of the learned Single Judge is hereby set aside.** No costs. Consequently, connected Miscellaneous Petition is closed.

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

kmi

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,
Chennai-600 004.

3. The Superintendent of Police,
Thiruvarur District,
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WEB COPY



W.A.No.432 of 2021

S.M.SUBRAMANIAM, J.
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W.A.No.432 of 2021

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