



W.A.No.3685 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 26.07.2024

CORAM

**THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
and
THE HONOURABLE MR. JUSTICE C.KUMARAPPAN**

W.A.No.3685 of 2019
and
C.M.P.No.23440 of 2019

1. The Government Of Tamilnadu,
Rep. By Its Secretary To Home Department,
Fort St. George, Chennai-600009.

2. The Director General Of Police,
Tamil Nadu, Kamarajar Salai,
Mayilapore, Chennai-4.

3. The Deputy Inspector General Of Police,
Thanjavur Range, Thanjavur.

4. The Superintendent Of Police,
Nagapattinam District, Nagapattinam

... Appellants

Vs.

S. Sarangabani, SSI (Rtd.)

... Respondent

Prayer :- Writ Appeal filed under Clause 15 of Letters Patent, praying to allow the writ appeal setting aside the order dated 10.04.2013 made in W.P. No.20946 of 2011.



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For Appellants : Mr.T.Chezhiyan,
Additional Government Pleader.

For Respondent : Mr.A.Raja Ram.

J U D G E M E N T

(Judgement of the Court was delivered by S.M.Subramaniam J.)

The writ appeal has been instituted challenging the writ order dated 10.04.2013 in W.P.No.20946 of 2011.

2.This Writ Appeal has been preferred by the Government against various judgements, 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 judgement of this Court in the case of ***The Government of Tamil Nadu, Rep. by Home Secretary vs. V.Samy and others***¹. However, in yet another case in ***The Principal Secretary to Government vs. V.Ramachandran and others***², 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”.

¹ W.A.(MD) Nos.1506 of 2011, etc., batch, dated 17.06.2013

² Rev.A.Nos.79 to 79 of 2015, etc., batch, dated 22.03.2017



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3. In view of the conflict judgements rendered by this Court, the First Bench of this Court, vide judgement dated 20.12.2019, referred the issue to a Larger Bench to decide as to which judgement has laid down the correct law in respect of grant of upgradation in the Police Department.

4. When the Writ Appeal is taken up for hearing, Mr.T.Chezhiyan, learned Additional 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



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*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 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.”*

5. By relying on the aforesaid answer to the reference, Mr.T.Chezhiyan, learned Additional 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). He 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 this Writ Appeal needs interference by this Court and is liable to be set aside.



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6. Learned counsel for the Writ Petitioner fairly conceded that the answer given by the Larger Bench will not insure to the benefit of the Writ Petitioners and they have no case in this Writ Appeal.

7. 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.,)

26.07.2024

Index : Yes/No

Internet: Yes/No

Speaking order/Non-Speaking order

Neutral Citation : Yes/No

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S.M.SUBRAMANIAM, J.

and

C.KUMARAPPAN, J.

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