



W.A.(MD) No.653 of 2018

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 10.04.2024

CORAM

**JUSTICE N. SESHASAYEE
and
JUSTICE P.VADAMALAI**

W.A.(MD) No.653 of 2018
and C.M.P.(MD) No.3570 of 2018

- 1.The State of Tamil Nadu,
Rep., 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 Deputy Inspector General of Police,
Tirunelveli Range, Tirunelveli.
- 4.The Superintendent of Police,
Thoothukudi District,
Thoothukudi.
- 5.The Accountant General
(Accounts & Entitlements),
Pension Section-15,
361, Annasalai, Chennai-600 018.

... Appellants/Respondents



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Vs.

P.Raju

... Respondent/Petitioner

Prayer: Appeal filed under Clause 15 of Letters Patent against the order dated 26.02.2013 passed in W.P.(MD) No.15785 of 2012.

For Appellants	:	Mr.V.Nirmal Kumar Government Advocate
For Respondent	:	No appearance

JUDGMENT

(Judgment of the Court was delivered by N.Seshasayee, J.)

The respondents in W.P.(MD) No.15785 of 2012 challenge the order of the learned Single Judge dated 26.02.2013.

2. The facts are as below:

(a) On 13.03.1972, the respondent herein was appointed as Grade-II Police Constable and he was promoted as Grade-I Police Constable on 09.03.1993. He was further promoted to the post of Head Constable in 2000, and he was superannuated on 31.05.2006.



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(b) Be that as it may, the Government came out with G.O.Ms.No.1681, Home (Police-V) Department, dated 12.10.1992, which paved way for up-gradation of stagnated Grade-II and Grade-I Police Constables, who have been serving for more than a decade without any promotion. The Government Order also indicates that this up-gradation will be done in a phased manner over a period of five years.

(c) The respondent would now approach the authorities to rework his up-gradation based on G.O.(Ms) No.15, Home (Pol-V) Department, dated 07.01.2010, and required it to be retrospectively implemented from the date of his initial appointment. This was allowed by the learned Single Judge, and it is now under challenge in this appeal.

3. The respondent was served, but he chose not to appear. Placing reliance on the orders of two other Division Benches of this Court in W.A.(MD) No.890 of 2016, dated 04.01.2024 and W.A.(MD) No.724 of 2016, dated 21.02.2024, the learned Government Advocate submitted that the Government Order in G.O.(Ms) No.15, dated 07.01.2010 will have only prospective effect and cannot be given retrospective effect and the Government Order itself has



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been issued some four years after the retirement of the respondent and hence, the respondent will not be entitled to any benefit under G.O.(Ms) No.15, dated 07.01.2010.

4. This Court accepts the said proposition to which this Court also finds support in the aforesaid two authorities of the two earlier Division Benches of this Court.

5. In the light of the above, this Writ Appeal is allowed and the order dated 26.02.2013 passed by the learned Single Judge in W.P.(MD) No.15785 of 2012 is set aside. No costs. Consequently, connected miscellaneous petition is closed.

(N.S.S., J.) (P.V.M., J.)
10.04.2024

NCC : Yes/No
Index : Yes/No
Internet : Yes
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