



W.P.(MD).Nos.24926 and 18264 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 12.11.2024

CORAM:

THE HONOURABLE MR.JUSTICE R.VIJAYAKUMAR

W.P(MD)Nos.24926 and 18264 of 2023

and

W.M.P(MD) Nos.21100 and 15224 of 2023

W.P(MD) No.24926 of 2023:

R.Paranikumar

... Petitioner

Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department,
Fort St.George, Chennai.

2. The Director General of Police,
Mylapore, Chennai – 600 004.

3. The Commissioner of Police,
Trichy – 20.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give promotion to the petitioner as Sub-Inspector of Police from the date of recruitment seniority and date of birth as per the G.O.(Ms) No.668-Home (Pol.V) Department, dated 26.07.2010 and include the name of the petitioner in the promotion list of Inspector of Police.



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For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.D.Sasikumar
Additional Government Pleader

W.P(MD) No.18264 of 2023:

R.Srinivasan ... Petitioner
Vs.

1. The State of Tamil Nadu,
Represented by its Secretary to Government,
Home Department,
Fort St.George,
Chennai.

2. The Director General of Police,
Mylapore, Chennai – 600 004.

3. The Commissioner of Police,
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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, directing the respondents to give promotion to the petitioner as Sub-Inspector of Police from the date of recruitment seniority and date of birth as per the G.O.(Ms) No.668-Home (Pol.V) Department, dated 26.07.2010 and include the name of the petitioner in the promotion list of Inspector of Police.



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For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.D.Sasikumar
Additional Government Pleader,

COMMON ORDER

The instant writ petitions have been filed by the Sub Inspectors of Police seeking a Mandamus directing the respondents to give promotion to them based upon Recruitment seniority and date of birth relying upon G.O. (Ms) No.668 – Home (Pol.V) Department, dated 26.07.2010.

2. It is the contention of the writ petitioners that both of them were recruited as Grade -II Constables in Tamil Nadu Armed Reserve Police. They further contend that they are performing the duty of drivers and later they were promoted as Grade-I Police Constables. They were also promoted to the post of Head Constable.

3. As a Head Constable they have been entrusted to do the duty of driver in the Armed Reserve Police and also carrying out bandobast duty and escort duty to the VIP's and other personnel in the Armed Reserve Police.



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4. It is the further contention of the petitioners that they were promoted as Grade -I Police Constable and Head Constable only on the basis of a common seniority list prepared by the Director General of Police and Commissioner of Police, Tiruchirappalli. However, when they were promoted as Sub Inspector of Police, they were discriminated between Head Constable those who are performing their duty as regular Head Constables and those who are in charge of Motor Transport. The seniority list of Head Constables working in the Motor Transport wing was separately prepared while another seniority list was prepared for the Head Constables, who are working in the regular way. In view of the said discrimination, the petitioners were belatedly promoted as Sub Inspectors of Police. It is the grievance of the petitioners that had they been promoted as Sub Inspectors of Police like another Head Constables, they would have been promoted on an earlier date which would have enabled them to be placed in the panel for promotion to the post of Inspector of Police ahead of others.

5. The learned counsel appearing for the writ petitioners had further contended that this discrimination was challenged by some of the Head Constables working in Salem City in W.P.Nos.950, 951 and 952 of 2009, in



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which, orders were passed in favour of those writ petitioners. The orders of the writ Court were accepted by the Department and G.O (Ms) No.668, Home (Police -V) Department, dated 26.07.2010 was issued promoting them on the basis of common seniority. It is the further contention of the learned counsel appearing for the writ petitioner that another set of three employees working in Motor Transport Wing, Tiruchirapalli District have filed W.P.Nos.2688 to 2690 of 2012 before the Madurai Bench of Madras High Court and those writ petitions were allowed on 12.10.2012, with a direction to the authorities to consider their case for promotion to the post of Inspector based upon the common seniority. This order of the writ Court was also complied with by the authorities by issuing G.O.(Ms) No.386 Home (Police-VI) Department, dated 07.10.2020. Therefore, according to the learned counsel appearing for the petitioners, the petitioners are similarly placed and they should also be placed in the panel for promotion to the post of Inspectors based upon the recruitment seniority. To the said effect, the petitioners have already approached the third respondent herein by way of representations on 02.03.2023 and 17.03.2023. Since the said requests were not considered, the present writ petitions have been filed.



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6. Per contra, the learned Additional Government Pleader appearing for the respondents herein relying upon paragraph No.8 of the counter affidavit had contended that in order to revise the date of promotion of the writ petitioners on par with their batchmates, relaxation of Rule is necessary and to the said effect already proposal is pending before the second respondent herein. In case, if the second respondent forwards the proposal to the Government, it is for the first respondent to consider the same and pass orders.

7. In the light of the above said facts, this Court is inclined to pass the following orders:

(i) The second respondent herein is directed to forward the said proposal to the first respondent, in the light of G.O.(Ms) No.668 – Home (Pol-V) Department, dated 26.07.2010 and G.O.(Ms) No. 386, Home (Police-VI) Department, dated 07.10.2020 within a period of eight weeks from the date of receipt of a copy of this order; and

(ii) On receipt of the proposal from the second respondent, the first respondent is directed to consider the same and pass orders, in the light of



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the Government Orders which are being referred to above, within a period of twelve weeks thereafter.

8. With the above said observations, these Writ Petitions stand disposed of. There shall be no order as to costs. Consequently connected Miscellaneous Petitions stand closed.

12.11.2024

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

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R.VIJAYAKUMAR,J.

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