



W.P.No.11829 of 2011

WEB COPY IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 28.03.2025

CORAM

THE HON'BLE MR.JUSTICE MUMMINENI SUDHEER KUMAR

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- 1.S.Vadivelu
- 2.Ganesan
- 3.Kumaresan
- 4.Ganesan
- 5.Kennedy
- 6.V.Swarnakumar
- 7.S.Balakrishnan

... Petitioners

Vs.

- 1.The Secretary to Government,
Home (Police II) Department,
Fort St. George, Chennai-9.
- 2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.
- 3.Edison Santhakumar,
Reserve Inspector of Police,
D1 Traffic Police Station,



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- Triplicane, Chennai City.
4. Thiruvenkadem,
Reserve Inspector of Police,
R-3, Ashok Nagar Traffic Police Station,
Chennai City-4.
5. S. Elangovan,
Reserve Inspector of Police,
Salem City Police, Salem.
6. M. Subramani,
Reserve Inspector of Police,
Salem City Police, Salem.
7. P. Manavalan,
Reserve Inspector of Police,
Cuddalore District.

... Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying for issue of Writ of Mandamus, directing the respondents to fix the seniority of all the Sub-Inspectors of police who have been promoted based on the range promotion board conducted in the year 2000 by taking into consideration the seniority in the cadre of Head Constables under rule 18(e) of the special rules for Police Subordinate Service while fixing seniority as Sub-Inspector of Police, and consequently revise the seniority in the cadre



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of Reserve Inspector of Police and grant all consequential service and monetary benefits.

For Petitioner : Mr.K.Venkataramani
Senior Counsel
assisted by Mr.M.Muthappan

For Respondents : Mr.Kumaresan
Additional Advocate General
assisted by Mr.S.Arumugam
Government Advocate

ORDER

This matter was heard on 31.01.2025 and the same was reserved for orders. After dictating the order, the same was listed 'for clarification' today (28.03.2025) and accordingly, the following order is passed.

2. This writ petition has been filed seeking a writ of mandamus directing the respondents to fix the seniority of all the Sub-Inspectors of police who have been promoted based on the range promotion board conducted in the year 2000 by taking into consideration the seniority in the



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cadre of Head Constables under Rule 18(e) of the Special Rules for Tamil Nadu Police Subordinate Service while fixing seniority as Sub-Inspector of Police, and also seeking a consequential direction to revise the seniority in the cadre of Reserve Inspector of Police and to grant all consequential service and monetary benefits.

3. From the relief sought in the writ petition, it is evident that the petitioners are seeking fixation of seniority in the cadre of Sub-Inspector of Police by following Rule 18(e) of the Special Rules for Tamil Nadu Police Subordinate Service (hereinafter referred to as “the Special Rules”).

4. For better appreciation, it is necessary to take note of certain factual matrix of the case on hand. All the petitioners herein were promoted to the post of Head Constable during the year 1987 and 1988 and whereas the Respondents No.3 and 4 were appointed as Head Constable in the year 1995 and 1994 respectively. Thus, according to the petitioners, the private respondents herein were all appointed as Grade-II Constables much after the



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petitioners were appointed and they were also promoted to the post of Head Constable much after the promotion of the petitioners as Head Constables. Further, it is not in dispute that the petitioners herein as well as the private respondents were all appointed as Sub-Inspectors of Police with effect from 01.08.2000 and subsequently, the private respondents were promoted to the post of Inspector of Police ahead of the petitioners during the year 2008 and 2009 and whereas the petitioners herein were promoted to the post of Inspector of Police on 30.06.2010. In the light of the same, the petitioners made a claim for preparation of seniority list in the cadre of Sub-Inspector of Police and consequential seniority list in the post of Inspector of Police by following seniority in the cadre of Head Constable in terms of Rule 18(e) read with Rule 25(a) of the Special Rules.

5. Heard Mr.Venkataramani, learned Senior Counsel assisted by Mr.M.Muthappan, learned counsel for the petitioner and Mr.K.Kumaresan, learned Additional Advocate General, assisted by Mr.S.Arumugam, learned Government Advocate for the respondents.



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6. Mr.K.Venkataramani, learned Senior Counsel appearing for the petitioners by placing reliance on the fifth proviso to Rule 25(a) of the Special Rules contended that once the 'C' list of Head Constables fit for promotion to the post of Sub-Inspector of Police is prepared in the order of merit, on the basis of the result of the examination specified in clause (ii) of sub-rule (e) of Rule 18, the same is required to be rearranged following the seniority in the cadre of Head Constable. Thus, the seniority of the Head Constable is protected while finalising the 'C' list of Head Constables for promotion to the post of Sub-Inspector of Police.

7. According to the learned Senior Counsel, the same method is required to be followed while preparing the 'C' list of Sub-Inspectors of Police (Reserved AR) fit for promotion to the post of Inspector of Police and seniority in the cadre of Head Constables is required to be followed. The relevant pleading in this regard as pleaded in the affidavit filed in support of the writ petition reads as under:



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“4. ... Though promotion to the post of Sub Inspector of Police is based on the marks obtained by the Head Constables in the range promotion board for inclusion in the C list but after promotion his seniority is fixed and rearranged based on the seniority in the rank of Head Constables. But it is submitted that while making promotion to the post of Inspector of Police same seniority in the feeder cadre of Head Constable has not been followed.”

8. Thus, in nutshell, it is the case of the petitioners that while preparing the seniority list in the cadre of Sub-Inspector of Police, 'C' list of Sub-Inspector of Police fit for promotion to the post of Inspector of Police should be prepared by taking into consideration the seniority in the cadre of Head Constable. Such a contention is advanced considering the fact that in case of effecting promotions to the post of Sub-Inspector of Police, the candidates from difference ranges are being considered simultaneously.



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9. Admittedly, Rule 18(e) of the Special Rules read with the fifth proviso to Rule 25(a) provides for rearrangement of the 'C' list, taking into consideration the seniority in the post of Head Constable after preparing the 'C' list basing upon the merit in the examination conducted under Rule 25 of the Special Rules only while preparing the 'C' list of Head Constables for promotion to the post of Sub-Inspector of Police. The said Rule has no application while preparing seniority/'C' list in the cadre of Sub-Inspector of Police fit for promotion to the post of Inspector of Police. Therefore, the claim of the petitioners seeking for preparation of seniority/'C' list in the cadre of Sub-Inspector of Police by following Rule 18(e) has no basis.

10. Be that as it may, under the Special Rules for Tamil Nadu Police Subordinate Service, there are different cadres and the said Rules provides for method of recruitment/promotion from one cadre to the other and the unit of appointment for promotion etc., also prescribed under the said Rules. Up to the cadre of Head Constable, the unit of appointment is



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the District/City, whereas for the post of Sub-Inspector of Police, the unit of appointment is the Range, which consists of multiple Districts and Cities. In the State of Tamil Nadu, in all there are 12 ranges and 6 cities are constituted. Similarly, for the post of Inspector of Police, the State is the unit and all the Sub-Inspectors working in different ranges and cities are eligible for being considered for promotion to the post of Inspector of Police.

11. As already noted above, the basis on which the petitioners made a claim for such seniority is baseless and the same cannot be allowed under law. Under the Special Rules, there is no rule directly governing the fixation of *inter se* seniority among the Head Constables working in different Districts/Cities for the purpose of preparation of 'C' list fit for promotion to the post of Sub-Inspector of Police. So also, there is no rule governing the fixation of seniority of Sub-Inspector of Police working in different ranges while preparing 'C' list for promotion to the post of Inspector of Police. If that be the factual situation, by virtue of Rule 42 of



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the Special Rules, the General Rules, viz., Subordinate Service Rules would apply, insofar as provisions pertaining to fixation of seniority is concerned. According to the respondents, while effecting promotions to the post of Sub-Inspector of Police from the post of Head Constables working in different Districts/cities, the respondents have taken all the Head Constables who are placed at Sl.No.1 in all the Districts/cities together and they were rearranged in the seniority basing upon their age and so also the Head Constables placed at Sl.No.2 in all the Districts/cities were taken and rearranged them in the seniority basing upon their age, they were placed below the first group of list. Thus, the respondents have effected promotion and also prepared seniority list in the post of Sub-Inspector of Police. So also, basing upon the said seniority list, the respondents claimed to have effected promotion to the post of Inspector of Police. Though the respondents have referred to various rules, which are part of the Special Rules as well as General Rules for the Tamil Nadu State and Subordinate Service there is no rule which directly meets the situation when the candidates from different units are being considered for promotion to a



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larger unit. But there is a specific provision dealing with fixation of seniority among the candidates appointed by different methods of recruitment.

12. Proviso to Rule 35(aa) of the General Rules for the Tamil Nadu State and Subordinate Service provides for the same, which reads as under:

“(aa) The seniority of a person in a service, class, category or grade shall, where the normal method of recruitment to that service, class, category or grade is by more than one method of recruitment, unless the individual has been reduced to a lower rank as a punishment, be determined with reference to the date on which he is appointed to the services, class, category or grade;”

13. No doubt, the said proviso deals with persons appointed by more than one method of recruitment. In case, if the persons were appointed from more than one method on the same day, their *inter se*



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seniority was directed to be decided with reference to their age. The promotion to the post of Head Constable is depending upon the vacancy position in the respective District/City and so also the promotion to the post of Sub-Inspector of Police is depending upon the vacancy position in the respective ranges. Because of the same, a person who was appointed latter as Constable Grade-II may have a fortuitous circumstance of securing promotion to the post of Grade-I Constable and Head Constable in the respective District/City. So also the Head Constable, who was appointed later in a District/City may get opportunity to get promotion to the post of Sub-Inspector of Police ahead of the Head Constable, who was appointed much prior to such candidate to the post of Head Constable in different range. Therefore, the question of comparing among the candidates working in different units does not arise.

14. Be that as it may, the promotions to the post of Sub-Inspector of Police were effected as early as on 01.08.2000 and all the petitioners herein and the respondents were promoted on the same date. The *inter se*



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seniority prepared among the Sub-Inspector of Police promoted from different Districts/cities within the range is not under challenge. However, it is only after the petitioners and the private respondents were further promoted to the post of Inspector of Police, the petitioners have come forward to file the present writ petition seeking the relief as noted above. Thus, it is evident that the petitioners have allowed the seniority/'C' list of Head Constables that was prepared in the year 2000 to operate for more than a decade and seeking to revise the same by filing the present writ petition. Therefore, on this ground also, the relief sought in the present writ petition cannot be granted especially in the light of the restriction provided under Rule 35(f) of the State and Subordinate Service Rules.

15. In the light of the above, this Court does not find any merit in the writ petition and accordingly, the same is dismissed. There shall be no order as to costs.

16. Before parting with this case, this Court intends to make



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certain observations in connected with the procedure to be followed in the matter of fixation of seniority in a case like the one on hand. As already noted above, proviso to Rule 35aa of the General Rules provides for fixation of seniority among the persons appointed by different methods of recruitment on the same day by taking into consideration their age. Why the same analogy cannot be applied while fixing the seniority or preparing the 'C' list of Head Constable for promotion to the post of Sub-Inspector of Police is required to be examined. The 'C' list of Head Constables fit for promotion to the post of Sub-Inspector of Police is being prepared treating the District/City as a unit. Once that 'C' list of the respective Districts is prepared, the authorities can as well group all the Head Constables included in the 'C' list of their respective Districts and promote on the same day together and rearrange them basing upon their age. If that is done and promotions are effected to the post of Sub-Inspector of Police, there cannot be any grievance. The same method can also be followed while preparing the 'C' list/seniority list of Sub-Inspector of Police fit for promotion to the post of Inspector of Police by combining all the ranges/cities. The



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respondents instead of following the method of picking up of the candidates who are all at Sl.No.1 in the 'C' list in different Districts and then by rearranging by considering their age, ought to have followed the procedure as discussed above. It is for the respondents to examine this aspect while effecting promotion in future.

17. This Court would expect that at least in future, the respondents would follow the procedure as suggested above or devise a better method for preparing the 'C' list/*inter se* seniority list to avoid unnecessary litigation.

28.03.2025

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

To

1.The Secretary to Government,
Home (Police II) Department,



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2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore, Chennai-4.



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MUMMINENI SUDHEER KUMAR, J.

ABR

Order made in
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