



W.P.Nos.2902 & 6164 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 06.11.2024

PRONOUNCED ON : 29.01.2025

CORAM

THE HONOURABLE MR.JUSTICE VIVEK KUMAR SINGH

W.P.Nos.2902 & 6164 of 2021

and

W.M.P.Nos.3256 & 6783 of 2021

In W.P.No.2902 of 2021

T.Veemaraj

... Petitioner

Vs.

1.The Director General of Police/
Head of Police Force,
Tamil Nadu,
Chennai-600 004.

2.The Secretary to Government,
Home (Police V) Department,
Fort St. George,
Chennai-600 009.

... Respondents

Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in RC No.557909/GB-2(1)/2020 dated 10.11.2020 and to quash the same and further direct the respondents to revise the seniority of the petitioner in the rank of Deputy Superintendent of Police, Category-I



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taking into consideration the accelerated promotion granted to the petitioner and promote him as Additional Superintendent of Police, Category-I at par with his juniors and grant him all consequential service and monetary benefits.

In W.P.No.6164 of 2021

M.Vetrivelu

... Petitioner

Vs.

1.The Director General of Police/
Head of Police Force,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai-600 004.

2.The Secretary to Government,
Home (Police V) Department,
Fort St. George,
Chennai-600 009.

... Respondents

Prayer:-Writ Petition filed under Article 226 of Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the first respondent in connection with the impugned order passed by him in RC No.582264/GB-2(1)/2020 dated 27.02.2021 and to quash the same and further direct the respondents to revise the seniority of the petitioner in the rank of Inspector of Police, taking into consideration the accelerated promotion granted to the petitioner and promote him as Deputy Superintendent of Police, Category-I at par with his juniors and grant him all consequential service and monetary benefits.



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For Petitioner : Mr.Venkataramani, Sr. Counsel
in both W.Ps. for Mr.M.Muthappan

For Respondent : Mr.Mr.R.U.Dinesh Rajkumar, AGP
Nos.1 & 2 in both W.Ps.

COMMON ORDER

Challenging the impugned orders passed by the first respondent in RC No.557909/GB-2(1)/2020 dated 10.11.2020 and R.C.No.582264/GB-2(1)/2020 dated 27.01.2021, the present Writ Petitions have been filed by the petitioners herein. Consequently, seeking a direction to the respondents to revise the petitioners' seniority in the rank of Deputy Superintendent of Police, Category-I and Inspector of Police respectively, taking into consideration of the accelerated promotion granted to them and promote them as Additional Superintendent of Police, Category-I and Deputy Superintendent of Police, Category-I at par with their juniors and grant them all consequential service and monetary benefits.

2. Heard Mr.Venkataramani, learned Senior counsel for the petitioners and Mr.R.U.Dinesh Rajkumar, learned Additional Government pleader appearing on behalf of the respondents.



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3. The germane facts which leads to the filing of the present cases are as follows:

3.1. The petitioner/Veemaraj joined the service as Grade II Police Constable in 1988 and thereafter selected as SI of Police and promoted as Inspector of Police and was further promoted as Deputy Superintendent of Police, Category I based on accelerated promotion by the Government in G.O. Ms No.959 Home (Pol. IV A) dated 08.11.2013 and assumed office on 13.11.2013 due to administrative delay whereas the petitioner/Vetrivelu who was a graduate joined the service as a directly recruited Sub Inspector of Police in the year 2008.

3.2. In the year 2013, the petitioners being the Inspector of Police and Sub Inspector of Police respectively along with 18 others were assigned with a special task headed by Mr.Narendrapal Singh, IPS, for nabbing the Muslim Fundamentalists namely, Police Fakrudeen, Bilal Malik and Panna Ismail. Based on reliable information, on 05.10.2013, under the guidance of one Mr.Anbu, IPS, the special team including the petitioners after a long struggle for nearly 10 hours, arrested the muslim terror fundamentalists in which one Inspector by name Lakshmanan was attacked with weapons



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causing severe injuries to him and in consequent to that, one of the fundamentalists by name, Panna Ismail sustained bullet injuries and thus, they successfully completed the operation without any loss of life and property besides recovering 70 kgs of high explosives, ammunition and raw materials for preparing explosives from the said house. Due to the courageous act of the team risking their lives, extensive damages to properties, as well as for loss to many lives nearly 5000 persons, were prevented.

3.3. Considering their effective and risky successful operation, the Director General of Police (DGP) recommended to grant accelerated promotion to all the team members, who were in the operation on 05.10.2013 at Puttur, Andhra Pradesh by creating supernumerary posts. On the proposal of the DGP through his letters dated 30.10.2013 and 06.07.2013, a Committee headed by three officials were formed. The Accelerated Promotion Committee considered the recommendations of the DGP, assessed the individual bravery and valour acts of the police personnels participated in the said operation and being satisfied with their extraordinary bravery and valour acts, recommended the Government vide G.O.Ms No.820, Home Police-IA Department, dated 08.10.2013 for granting



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accelerated promotion. In view of the recommendations made by the Committee, the petitioners and others were granted accelerated promotion by creating supernumerary posts through G.O.(Ms) No.959, Home Police-1A Department, dated 08.11.2013. Hence, the petitioners herein were promoted as Deputy Superintendent of Police, Category I and Inspector of Police and they assumed office on 13.11.2013 at District Crime Branch II, Villupuram and on 11.11.2013 respectively. However, the petitioners after attained sufficient seniority, their names were deferred for the promotional post of Additional Superintendent of Police Category I and Deputy Superintendent of Police on the ground that their seniorities were not fixed. Hence, the petitioners made a detailed representations dated 07.08.2020 to the respondents for grant of promotion by placing their seniority from the date of assuming office as DSP and Inspector of Police respectively. But the same were rejected by the first and second respondent through the impugned orders dated 10.11.2020 and 27.02.2021 respectively.

4. Aggrieved over the same, the petitioners have approached this Court by way of the present Writ Petitions.



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5. The learned Senior counsel for the petitioners submitted that the petitioners herein were part of the special team headed by Mr.Narendrapal Singh to perform the work of nabbing the muslim fundamentalists in the year 2013 and on their task on 05.10.2013, the special operation team headed by one Mr.Anbu, IPS., struggling for nearly 10 hours, by their brave efforts and gallantry acts, arrested the terror muslim fundamentalists without any loss to lives and properties. He submitted that the team had risked their lives and in the said task, one Inspector was attacked with weapons and consequent to that, the team fired against the fundamentalists and arrested them after a great struggle for 10 hours and also recovered 70 kgs of high explosives, ammunition and raw materials pertaining to explosives from the said place.

6. At this stage, the learned Senior counsel pointed out that the petitioners have rescued the lives of more than 5000 people by recovering the explosives and prevented huge loss to lives and properties including them as the explosives found might have caused extensive damage to the property around 1 Km area. In view of their risky and diligent work, the DGP sent proposal for grant of accelerated



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promotion to the team personnels considering their risky successful task and the Accelerated Promotion Committee also assessed their individual valour and gallant acts, recommended the Government which was accepted and accelerated promotion were granted through G.O.Ms No.959 dated 08.11.2013, by creating supernumerary posts for the said police personnels. The petitioners herein were promoted as DSP and Inspector of Police and they assumed office on 13.11.2013 and 11.11.2013 respectively. Unfortunately, thereafter the petitioners were not considered for further promotion from the year panel 2018-2019 on the ground that their seniority were not fixed.

7. He further contended that the petitioners made a detailed representations dated 07.08.2020 redressing their grievance to the respondents for their further promotion but the first and second respondent without considering their diligent and efficient work, rejected their claim through impugned orders dated 10.11.2020 and 27.02.2021 respectively.

8. At this point of time, the learned Senior counsel submitted that the petitioner/Veemaraj has been awarded Best Officer's Award by the Government of Tamil Nadu, Chief Ministers medal and also



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Presidential award for his best performance and the petitioner/Vetrivelu has received more than 200 rewards and has no adverse remarks.

9. In support of his contentions, the learned Senior counsel drew that attention of this Court that petitioners' seniority have not been fixed though similarly placed persons such as Mr.Mohan, Mr.Thillai Natarajan and Mr.Chandrasekaran, who have been granted accelerated seniority on the orders of this Court in W.P.Nos.8886 & 14366 of 2008; W.P.No.17312 of 2008 and W.P.Nos.10290 & 12725 of 2009 dated 30.10.2009. Furthermore, the learned Senior counsel cited yet another decision of this Court in the case of **Raja Rajan Vs. The Principal Secretary to Government, Home (Police II) Department, Chennai in W.P.Nos.3994& 28625 of 2018**. The relevant paragraphs of the aforesaid order reads as follows:

"6.Subsequent to the issuance of G.O.Ms.No.1396 dated 03.10.2007, three Police Officers viz., K.Mohan, M.Thillai Natarajan and M.Chandrasekar who were granted accelerated promotion originally in respect of individual courageous acts, not associated with the STF,



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had challenged the denial of accelerated seniority vide G.O.Ms.No.1396 dated 03.10.2007. This Court vide individual orders dated 30.10.2009 in W.P.No.17312 of 2008, W.P.No.8886 of 2008 & W.P.No.10290 of 2009 allowed the Writ Petitions filed by those Police Officers, wherein the learned Judge of this Court clearly held that the denial of accelerated seniority as per the above said G.O. cannot be made applicable to the writ petitioners therein, since the Government has consciously made individual assessment of those writ petitioners and it was not an en masse accelerated promotion as given to STF Personnel. It appears that the Government accepted the judgment of the learned Judge and implemented the same and granted accelerated promotion for the second time to those writ petitioners.

...

8.Shri K.Venkatramani, learned Senior counsel appearing for the writ petitioner would submit that as far as the pending litigations before this Court and before Hon'ble Supreme Court of India, they stand on a different footing as the claim of the petitioner herein is completely different and it was fully covered by the decisions of this Court dated 30.10.2009 in the above



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mentioned three writ petitions, which decisions were implemented by the Government itself in respect of those three individuals viz., K.Mohan, M.Thillai Natarajan & M.Chandrasekar.

9.The learned Senior counsel would straight away draw the attention of this Court to the observations made by the learned Judge of this Court in his order dated 30.10.2009 in respect of three individual writ petitioners and would draw specific reference to the concluding paragraphs commencing from 4.2 to 7 which read as under;

"4.2. In the case of STF men who have been involved in the Veerappan's case, individual assessment of their act of bravery in eliminating the forest brigand was not made by the Government and the recommendation made by the Director General of Police and the Board which was constituted for the said purpose has not assessed the individual STF men pertaining to their part in eliminating the said Veerappan. But the case of the petitioner does not stand in the said position.

4.3. When individual assessment was made on the petitioner and the petitioner was granted accelerated promotion, the Government



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may not be justified in passing G.O.Ms.No.1396 dated 3.10.2007 in equating the petitioner along with the STF men referred to above. In the said G.O though it was passed in reference to the STF men referred to above, in the last para of the said G.O there is also a reference about accelerated promotion given to others. The same is extracted here under:-

"The concept indicated in para 3(i) above is also applicable to the persons, who have been awarded accelerated promotion in individual orders from time to time to the extent it applies to future promotion. The above principle will apply also to cases of accelerated promotion to be considered in future."

5. A uniform stand cannot be taken by the Government in respect of the STF men referred to above and the case of the individual like the petitioner who have been accorded accelerated promotion for their acts of bravery. Further, in G.O.Ms.No.1252 dated 29.10.2004, it was referred that one stage of promotion were given to them but in respect of the accelerated promotion given to the petitioner in G.O.Ms.No.1246 dated 20.08.2007, such reference was not made.

6.It is not denied by the



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Government, that the petitioner was accorded accelerated promotion taking into consideration, the guidelines framed in G.O.Ms.No.468, followed by High Level Committed constituted for such purpose.

7.Considering the above facts and circumstances, I am of the considered view that the refusal to accord promotion to the petitioner to the post of Superintendent of Police citing G.O.Ms.No.1396 Home [Pol-1A] Dept dated 3.10.2007 is wholly unjustified. Consequently, the G.O.Ms.No.1396 dated 3.10.2007, so far as denying promotion to the petitioner is liable to quashed and accordingly quashed. Consequently, I direct the respondents to consider including the name of the petitioner in the panel of promotion, fit for promotion to the post of Superintendent of Police from the year, which he is eligible but for G.O.Ms.No.1396 dated 3.10.2007. The said exercise has to be carried out by the respondents within a period of six weeks from the date of receipt of a copy of this order. The writ petition is ordered accordingly. Consequently, connected miscellaneous petitions are closed. However, no order as to costs."



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10.Likewise, the learned Judge of this Court has made similar observations in other two writ petitions, in paragraph 19 and in paragraphs 7 & 8 respectively, which are also extracted hereunder:

"19.The discussion made above will amply establish that G.O.Ms.No.1396 Home (Pol.1A) Department dated 03.10.2007 amending 5e of the original Government Order in G.O.Ms.No.1252 Home (Pol.VIII) Department dated 29.10.2004 may not have any relevance to the case of the petitioner. Hence ignoring the said Government Order as far as the petitioner is concerned, the respondents are bound to promote the petitioner to the post of Deputy Superintendent of Police. Further the non-inclusion of the petitioner in the panel of Inspector of Police fit for appointment to the post of Deputy Superintendent of Police as per the order of the first respondent in G.O.Ms.No.658 Home (Police 2) Department dated 10.06.2008 is liable to be quashed sofar as non-inclusion of the petitioner alone is concerned and consequently, I direct the respondents to consider the case of the petitioner for inclusion of his name in the said list after Sl.No.36 and above Sl.No.37 with



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all consequential benefits. The said exercise has to be carried out by the respondents within a period of six weeks from the date of receipt of a copy of this order.”

7. When the petitioner was elevated to the post of the Inspector of Police from the post of Sub Inspector of Police, considering his act of bravery and such promotion was accorded through G.O dated 1.07.1999, relaxing the relevant rules and for the regular post without creating supernumerary posts, when his seniority was fixed on 07.03.2001 placing him in Serial No.110 A and the same was reaffirmed by the proceedings of the Director General of Police dated 25.10.2005, there is no rhyme or reason to refuse further promotion to him as DSP. His case cannot be compared with the other promotions granted to STF men who were accorded accelerated promotion for wiping out the forest brigand Veerappan, since in those cases individual acts of bravery of each and every individual who got such accelerated promotion was not considered by the Director General of Police, when he sent their names recommending such accelerated promotion and also the accelerated promotion board has not considered their individual bravery, when



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recommending their names to the Government for granting accelerated promotion. Further, supernumerary posts were created for granting them accelerated promotion. But, in the case on hand, as stated already petitioner's act of bravery was considered isolatedly and he had been accorded promotion relaxing Rules and also for the regular post. His seniority was also fixed as early as 07.03.2001 and re-affirmed on 25.10.2005. The files produced before me was perused by me. It reveals that the Collector had also appreciated the act of bravery of the petitioner in that incident and recommended for accelerated promotion

8.In view of the above stated position, I am inclined to hold that the petitioner is justified in his claim that he shall be elevated to the post of Deputy Superintendent of Police, which has to be considered within six weeks from the date of receipt of a copy of this order."

...

20.By way of reply, the learned Senior counsel Mr.K.Venkatramani, appearing for the petitioner would submit that even the Division Bench of this Court passed a detailed order, upholding the G.O.Ms.No.1396, dated



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03.10.2007 and dismissing the claim of for accelerated seniority as observed in paragraph 64 of the judgment, which reads as under:

"64.As discussed earlier, accelerated promotion was not a regular promotion; but given with a view to encourage the Officers, who were part of Special Task Force. Accelerated promotion was given to all the persons who joined the Special Task Force irrespective of their individual role played by Special Task Force. Certainly it was not based on appraisal of individual's merit and ability and on the other hand it was conferred en masse of those persons, who joined Special Task Force. When there was no appraisal of individual's merit and ability, accelerated promotion cannot be given with the accelerated seniority so as to benefit the accelerated promotees to steal a march over all the regularly appointed officers/personnel."

21.From the above, it could be seen that the accelerated promotion was given mechanically without assessment of the individual merit and participation and therefore, the learned Division Bench has given a leeway to the Government to carve out an exception and grant further benefit of seniority on the basis individual merit. Therefore, the order passed by



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the Division Bench of this Court dated 05.04.2013 in W.A.Nos.849 to 854 of 2010 is not opposed to the claim made by the petitioner herein and if the claim is granted by this Court, the same is not in violation of the order passed by the learned single Judge of this Court.

...

24.As rightly contended by the learned Senior counsel appearing on behalf of the petitioner that as far as the petitioner herein is concerned, the Government was very conscious on the individual merit of the petitioner herein and therefore recommended his name for grant of Presidential Gallantry Award. On the basis of the recommendation of the Government, the petitioner was granted gallantry award by His Excellency, The President of India for his exemplary, meritorious, courageous act and service. Therefore, the petitioner herein cannot be treated as one of the Personnel merely associated with the STF and his interest cannot be clubbed along with hundreds of other Police Personnel who might have had passive participation in the Special Task Force operation. As far as the petitioner herein is concerned, the facts would undoubtedly disclose that his role in



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the Special Task Force, at the crucial time when a Forest Brigand was nabbed and killed, was direct and exemplary and therefore the Government itself has notified 7 Police Personnel in the Gazette Notification who were part of the actual Task Force in its operation called "Cucoon". Therefore, it is very unfair that the Government can be allowed to paint every claim of STF Personnel with the same brush. Once the Government itself has appreciated the exemplary courage exhibited by the petitioner herein along with few other Officers, such courageous act of the petitioner cannot be arrayed along with en masse claim of several hundreds of Police Personnel associated with the Task Force in normal line of their duty. Unless such exception is carved out in the matter of conformation of benefits on such Personnel, the courageous act of such Personnel like the petitioner herein will go unnoticed and will pale into insignificance over a period of time. Therefore, the claim of the petitioner cannot be clubbed along with general claim for accidental promotion of hundreds of Personnel attached with the Special Task Force over a period of time.



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25. In the backdrop of above narrative, if one looks at the claim of the petitioner herein, this Court has to come to the irresistible conclusion that no matter the number of litigations pending on the issue before this Court and the Hon'ble Supreme Court of India, the claim herein cannot be squarely brought within the ambit of decisions rendered by the learned single Judge of this Court dated 30.10.2009 in W.P.Nos.17132, 8886 of 2008 & 10290 of 2009. In those cases, the learned Judge has made a succinct observation that the denial of accelerated seniority contemplated under G.O.Ms.No.1396 dated 30.10.2007 cannot be made applicable since there was an individual assessment of merit and it was not an en masse promotion as granted to STF Personnel. Such finding of the learned Judge would squarely hold good for this petitioner as well since this Court has to make a clear distinction between en masse claim and a individual claim. ...

...

27. ... his claim should not be identified with the en masse claim of hundreds of other personnel attached to STF and it should be



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identified as a special case where the petitioner was individually assessed as an exemplary police personnel and was recommended for the Presidential Medal and was also awarded with the said Medal. In which event, the Government ought to have placed the claim of the petitioner on a distinct pedestal than clubbing it with hundred others. It is very unfortunate that such exhibition of exemplary courage and valor has not invited due appreciation at the hands of the Government, but on the other hand, the petitioner was driven to litigation before this Court to secure the ends of justice. This Court is of the view that on its own the Government ought to have extended the benefit to the petitioner herein in terms of its own decision taken in implementing the orders of this Court dated 30.10.2009 in the aforementioned three writ petitions.

28.In fact, in the counter affidavit filed on behalf of the respondents and also in the course of the oral submissions made by the learned Special Government Pleader, the fact that the petitioner's participation in the Task Force in regard to his distinguished service in the Special Task Force has not been disputed and in fact, the



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Government cannot dispute at all in the face of the admitted facts. Therefore, it is needless to mention that the petitioner's claim cannot be pitchforked into the larger group claim thereby effacing the individual exemplary act by making it inconspicuous, resulting in denial of fair and just treatment to the petitioner. The claim therefore, ought to have been clearly identified as different as that of the others and the benefit of accelerated seniority ought to have been extended to the petitioner. Only on such grant of benefit, the petitioner act would be recognized as being exemplary and inspirational for the Police Department. Unfortunately, the Government has simply washed its hands without appreciating the claim of the petitioner in proper perspective on the clichéd understanding that the litigations are pending on the issues before this Court and before Hon'ble Supreme Court of India. Therefore, this Court is unable to countenance the rejection of petitioner's claim by the Government.

29.For the above said reasons, Writ Petition in W.P.No.3994 of 2018 is allowed and the Government Order in G.O.(D) No.488 Home (Pol.II) Department dated 31.05.2016 is hereby



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set aside and consequently there shall be a direction to the respondents to grant seniority to the petitioner in the cadre of Deputy Superintendent of Police on 30.10.2004 in furtherance of G.O.Ms.No.1252, Home (Pol.VIII) Department, dated 29.10.2004 based on the Presidential Gallantry Award granted to him by His Excellency the President of India for his courageous act and also grant him further promotion on that basis to the higher post of Superintendent of Police. The respondents are directed to effect the consequential promotion to the petitioner to the next higher posts on the basis of re-fixed seniority in the cadre of Deputy Superintendent of Police and grant him all attendant benefits on such promotion. The respondents are directed to pass appropriate orders in this regard within a period of eight weeks from the date of receipt of copy of this Order. The other connected writ petition in W.P.No.28625 of 2018 shall stand disposed of on the above terms. No costs. Consequently, connected WMPs are closed.”

10. Thus summing up his arguments, the learned Senior counsel submitted that the case of the petitioners ought to have been



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considered on their individual bravery and gallant acts and their awards and rewards given and prayed this Court to allow the Writ Petitions.

11. Per contra, the learned Additional Government Pleader appearing on behalf of the respondents first outlined the historical background of the Government's Orders and also asserted the legality and procedural correctness of the Government's actions and rules concerning accelerated promotions within the Tamil Nadu Police Service. He traced the origins of the accelerated promotion system to the acts of bravery and extraordinary service, such as operations of Special Task Force against forest brigand Veerappan and similar high-risk assignments. These promotions, granted as a reward for individual merit, were designed to elevate the personnel one rank higher without undermining the seniority of those promoted through regular channels. This principle was reaffirmed in the 2007 order, which explicitly stated that accelerated promotions are for one stage only and would not extend to consequential seniority in the promoted or feeder categories. He argued that this framework applies uniformly to all cases of accelerated promotions granted after the issuance of the 2007 order and is reinforced by subsequent judicial pronouncements.



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12. He further argued that the central argument revolves around the consistent application of seniority principles as established in G.O.(Ms). No.1396, dated 03.10.2007. The Government, in this order, clarified that accelerated promotions granted to police personnel would not confer consequential seniority in the promoted category. Instead, the seniority of such officers would continue to be governed by their inter-se position in the feeder grade as the same was introduced to maintain fairness and equity, was later upheld by the Hon'ble Division Bench of this Court in its judgment dated 05.04.2013 in W.A.Nos.849 to 854 of 2010 & batch etc., which validated the deletion of para no.5(e) in G.O.(Ms) No.1252 and G.O.(Ms) No.1346 of 2004.

13. He contended that by recognizing ambiguities in the implementation of these principles stated in G.O.Ms Nos.1252 and 1346 of 2004, the Government issued G.O.(Ms) No.1396 in 2007. Under the revised order, seniority between accelerated promotees and general promotees in the promoted category was to be determined based on their panel position in the feeder grade. The accelerated promotion, as emphasized, would not confer accelerated consequential seniority. This principle applied to both existing and future cases of



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accelerated promotions. This order also explicitly established that accelerated promotions were limited to one stage and would not grant consequential seniority. The concept of seniority was tied to the officers' positions in their feeder category. This foundational principle applied uniformly to all future accelerated promotions, ensuring clarity and consistency.

14. He highlighted that the judicial validation of the aforesaid Government orders and submitted that the Hon'ble Division Bench of this Court, in its landmark judgment dated 05.04.2013, upheld the Government's power to revise earlier orders, deleting paragraph 5(e) from the original G.O.s of 2004 and restoring the seniority principles by issuing G.O.(Ms) No.1396. The Court affirmed that accelerated promotions could not disrupt the inter-se seniority of officers, stating that such promotions, granted outside the purview of normal rules, did not carry consequential seniority advantages or benefits. This judgment fortified the Government's position, rendering G.O.(Ms) No. 1396 as a binding legal framework for determining seniority and thereby rejecting any claims to accelerated consequential seniority.



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15. He further contended that subsequent Government Orders, such as G.O.(Ms) No. 550 of 2013 attempted to introduce a new rule under Rule 11 of the Tamil Nadu Police Service Special Rules, which allowed accelerated promotees to gain consequential seniority, were quashed by this Court. This order was met with significant resistance, leading to writ petitions by affected officers. In its common order dated 02.12.2020, the Court declared G.O.(Ms) No. 550 as unconstitutional and illegal, reinforcing the earlier principles of seniority fixation. The judgment noted that the Government's attempt to override settled principles was legally untenable and reaffirmed that seniority must align with inter-se rankings in the feeder category.

16. While continuing his submissions, he stated that to comply with the Court's earlier decision, the Government issued G.O.(Ms) No.118 in 2023 amending Rule 11(b) of the Tamil Nadu Police Service Special Rules, aligning the rules with judicial directives. This amendment reinstated the principle that accelerated promotions do not confer consequential seniority and applied retroactively from 19.03.1996. The 2023 order categorically stated that inter-se seniority between accelerated and general promotees in the promoted category



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would continue to follow their feeder grade seniority and accelerated promotions would not bestow any consequential seniority advantages.

This amendment, unchallenged in Court, has attained finality and forms the basis of the respondents' arguments. The respondents argued that this reinforces the legal and administrative position against granting consequential seniority to accelerated promotees, including the petitioners. In addressing the specific cases of the petitioners, including T. Veemaraj and M. Vetrivelu, he contended that their claims for consequential seniority lack merit as both the petitioners were granted accelerated promotions under orders issued after G.O.(Ms) No.1396, which explicitly clarified the non-conferment of consequential seniority for accelerated promotions. They argued that this distinction sets the petitioners apart from earlier cases, such as those of officers like M.Thillai Natarajan and C. Ilango, whose accelerated promotions and consequential seniority were determined before 2007 order and were adjudicated under different rules. These cases are not comparable, as the latter officers' promotions were not governed by the principles introduced in G.O.(Ms) No.1396. He submitted that Thillai Natarajan received accelerated promotion in 1997 and his seniority was fixed before the principles of G.O.(Ms) No. 1396 came into effect. Similarly, officers like C. Ilango and K. Mohan were granted



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consequential seniority for acts of bravery in encounters during the late 1990 and early 2000's. He argued that these historical cases are not comparable to the petitioners' claims, as they pre-date 2007 order and were not governed by the same legal framework which did not provide any legal clarity. Their inter-se seniority in the promoted category would be determined based on their rankings in the feeder category. Consequently, their claims for consequential seniority are incompatible with the existing legal framework.

17. The learned Additional Government Pleader submitted that the administrative consequences of granting the petitioners' claims and by allowing consequential seniority for these petitioners would create a precedent encouraging similar claims from other officers, which in turn would lead to a floodgates of litigation, administrative chaos and significant disruptions in the police forces hierarchy. He stressed that the current system, rooted in judicially validated government orders, provides fairness and consistency and any deviation would lead to administrative complications and numerous fresh litigations. He added that the petitioners' reliance on comparisons with other officers who received accelerated promotions and consequential seniority is misplaced, as these cases arose under different circumstances and



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legal frameworks. Moreover, he pointed out that the Hon'ble Division Bench's judgment in 2013 and the High Court's order in 2020 collectively established a clear and consistent framework for seniority determination and these judgments affirmed that the Government acted within its powers and that the principles laid down in G.O.(Ms). No. 1396 were legally sound.

18. The learned Additional Government Pleader submitted that the petitioners' claims lack merit both legally and administratively. He emphasized that the current framework established by G.O.(Ms) No.1396, subsequent Government Orders and judicial decisions and by ensuring to uphold the principles of fairness, equity and consistency and dismiss the petitions to avoid setting a precedent that disrupts administrative stability and undermines the legal framework. He also asserted that the petitioners' claims are contrary to established legal principles and would disrupt the uniform application of rules governing seniority. Hence, he prayed to dismiss the petitions.

19. Considered the rival submissions made by the respective learned counsels and also perused the materials available on record.



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20. This Court after an elaborate and conscious and analytical perusal of the case views the following facts for consideration:

a)The case of the petitioners herein are not disputed by the respondents.

b)The petitioners herein have been part of the successful terror fundamentalists operation which was also undisputed by the respondents.

c)On the proposal of the DGP through letters dated 30.10.2013 and 06.11.2013, for grant of acceleration promotion to the police personnels who had done the bravery acts in securing the muslim fundamentalists by risking their lives, the Committee on accelerated promotion after scrutinizing the efforts put forth by the said personnels, made recommendation to the Government for grant of accelerated promotion, which was also accepted by the Government and passed Government Order in G.O.(Ms) No.820 of dated 08.10.2013 followed by G.O.(Ms) No.959, Home (Pol.1A) Department dated 08.11.2013 for effective implementation. In effect of the same, the petitioners have been promoted as DSP and Inspector of Police respectively. Thereafter, the petitioners have not been listed for further promotional panel which made them to approach the



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Department by way of representation dated 07.08.2020. The first respondent passed the impugned orders dated 27.11.2020 and 27.02.2021 rejecting the claim of the petitioners that as per G.O.(Ms) No.1396 dated 03.10.2007, seniority has to be fixed in their feeder category.

21. At this juncture, it is pertinent to note that the respondents have highlighted various Government Orders and judgments of this Court in regard to this issue of accelerated promotion and fixation of accelerated seniority such as G.O.(Ms) No. 1396 dated 03.10.2010; W.A.Nos.849 to 854 of 2010 and etc., W.P.Nos.24461 of 2013 and batch cases. This Court finds that the Government orders and judgments of this Court all related to Special Task Force (brigand Veerapan case), especially G.O.(Ms) 1396 dated 03.10.2007 were passed overriding the G.O.(Ms) Nos.1252 & 1346 of 2004, wherein accelerated promotion at one stage has been granted to the groupism task for nearly 900 to 950 police personnels from lower grade to higher level, dissatisfaction prevailed in this regard by the professional achievers, as there was no difference in the said G.O., distinguishing the personnels who had done exceptional acts in the said task. Considering the same, in that brigand Veerappan case, Cucoon



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professionals who were granted accelerated promotion were conferred with seniority.

22. Apparently, in the case on hand, it is to be noted that the said muslim fundamentalists operation was not a groupism task and moreover, the Committee on accelerated promotion assessed the individual bravery and gallant acts of the petitioners and had recommended the Government for grant of accelerated promotion and the Government after accepting the same, granted accelerated promotion and G.O.(Ms) No.820 dated 08.10.2013 following the Government Order in G.O.(Ms) No.805 dated 07.10.2013 neither contemplate nor state that was one stage of promotion and hence, it cannot be now heard to say by the respondents that accelerated promotion was given only for one stage and that the petitioners are not entitled for further promotion. The Government which implemented the order passed by this Court dated 30.09.2009 in respect of 3 Police Officers namely, K.Mohan, K.Thillai Natarajan and M.Chandrasekar who were involved in different courageous acts, in all fairness, the Government ought to have extended that benefit to these petitioners also. The Accelerated Promotion Committee had accepted the exceptional acts/professional achievements and based on the



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merits and abilities of the petitioners, have recommended them for accelerated promotion to the Government. In view of the above position, there is no rhyme or reason to reject or refuse the further promotion to them by fixing their seniority from the date of their joining in the promoted post.

23. In this backdrop, now it is predominant to notice that the petitioners herein were granted accelerated promotion in the year 2013 and thereafter since their names were not found place in the promotional panel list from the year 2018, they made representations in the year 2020 and on rejection of the same, the petitioners herein approached this Court in the year 2021. While that being so, as on date several Government Orders were passed in and against the claim of the petitioners in the interregnum. Taking note of the fact, G.O.(Ms) No. 1396 dated 03.10.2007 was passed taking into account the STF case wherein accelerated promotion was granted for one stage and there was no difference shown for the individual exceptional acts as the enmass has been granted accelerated promotion and in this regard, several cases arose and the present G.O.(Ms) No. 118 dated 15.03.2023 was passed.



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24. After an intricate discussions and in the light of the orders of this Court as stated supra, this Court is of the considered opinion that G.O.(Ms) No.1396 dated 03.10.2007 may not have any relevance to the case of the petitioners as highlighted by the respondents and nevertheless, G.O.(Ms) No.118 dated 15.03.2023 have not been challenged, it is to be taken into account, the special task of the petitioners is of the year 2013 and they approached this Court in the year 2021 and that the Government Orders G.O.(Ms) No.1396 and G.O.(Ms) No.118 have been passed analysing the STF brigand Veerappan case, it is not disputed by the respondents that accelerated promotion committee was formed for assessing the individual bravery and gallant act of the personnels of the special operational tasks after STF and in the present case on hand, they have assessed and Government granted accelerated promotion on the recommendations of the Committee and therefore, the benefits of accelerated seniority ought to have been extended to the petitioners. It is unfortunate that the respondents have simply rejected their claim without recognition of their gallant act in a proper perspective manner which being exemplary and inspirational for the police personnels.



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25. It is pertinent to refer to the contentions of the respondents that the Government has amended rule 11(b) of Tamil Nadu Police Service Special Rules vide G.O.(Ms) No. 118 dated 15.03.2023 which was not challenged and has attained its finality and in regard to the fact that it will be a precedent to several others to seek the same, however, it is crystal clear that these petitioners have been struggling their claim from the year 2020 and their bravery acts recognized were of the year 2013 and their claim were flawless. Therefore, this Court is unable to countenance the rejection of petitioners' claim by the respondents. However acceding that G.O.(Ms) No.118 dated 15.03.2023 with retrospective effect from 19.03.1996 was not challenged, this Court in simpliciter, in the interest of Justice, Equity, Fair play and Good Conscience comes to the conclusion that the relief sought for by the petitioners herein may be considered by the respondents taking into the observations made in this order.

26. For the foregoing reasons, the Writ Petitions stand disposed of. Consequently, the respondents are directed to consider the case of the petitioners herein for further promotion afresh taking into account their diligent work, awards and rewards, unblemished service and



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valour/gallant acts as special aspects and pass appropriate orders on its own merits and in accordance with law. The said exercise shall be completed atleast within a period of eight weeks from the date of receipt of a copy of this order. Consequently, connected Miscellaneous Petition is closed, if any. There shall be no orders as to costs.

29.01.2025

Index: Yes/No
Order: Speaking/Non-Speaking
NCC : Yes/No

DP



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VIVEK KUMAR SINGH, J.

DP

To

- 1.The Additional Chief Secretary to
Government,
State of Tamil Nadu,
Department of Home, Prohibition & Excise,
Fort St. George,
Chennai-600 009.
- 2.The Committee for granting
accelerated promotion to the
Police Personnel
rep. by its Chairman,
Fort St. George,
Chennai-600 009.
- 3.The Director General of Police,
(Head of Police Force),
Law & Order,
Mylapore,
Chennai-600 004.

ORDER MADE IN

W.P.Nos.2902 & 6164 of 2021
and
W.M.P.Nos.3256 & 6783 of 2021

29.01.2025