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W.P No. 33007 of 2015

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2025

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THE HONOURABLE MR.JUSTICE HEMANT CHANDANGOUDAR

W.P No. 33007 of 2015

and M.P.Nos. 1 & 2 of 2015 and WMP.No. 11848 of 2018

S. Senthil Kumar

..Petitioner

Vs

1.The Director General of Police,
Dr.Radhakrishnan Salai
Mylapore, Chennai -600004

2.The Superintendent of Police
Cuddalore District, Cuddalore.

3.R.Mahendran

4.S.Devanathan

5.Selvam

..Respondents

Writ Petition is filed under Article 226 of Constitution of India, praying for issuance of a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent in connection with the impugned order passed by him in D.O. No. 637/2015 in C.No.A1/22897/2015 dated 27.07.2015 and quash the same insofar as the respondents 3 to 5 are concerned and direct the respondents to promote the petitioner as Sub Inspector of Police (AR) based on the feeder category seniority and grant him all consequential service and monetary benefits and grant such other relief.

For Petitioner : Mr.K.Venkataramani, Senior Counsel



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For Respondents : Dr.S.Suriya, AGP – R1 & R2

Mr.G.Sugadev Rajaguru – R4

R5 – Dismissed as abated(vide order of
this Court dated 17.12.2025)

R3 – Dismissed (vide order of this Court
dated 20.11.2024)

ORDER

The challenge in this writ petition is to the drawal of the C-List (HC/AR) dated 27.07.2015 issued by the 1st respondent, whereby names of the private respondents were included for promotion to the post of Sub-Inspector (AR), and the Petitioner was excluded from the said list.

2. The petitioner was appointed as a Grade II Police Constable on 24.05.1999. While in service as a Grade II Police Constable, he was awarded a black mark on 23.06.2005. Consequently, the case of the petitioner was not considered for promotion to the post of Grade I Police Constable (AR), and he was promoted to the said post only on 27.04.2007 against an available vacancy. Respondents 2 to 5, who were admittedly juniors to the petitioner, were granted accelerated promotion as Grade I Police Constables with effect from 30.10.2004 in terms of G.O.Ms. No. 1252, Home (Police 8) Department, dated 29.10.2004, for their service in the Special Task Force constituted to apprehend the forest brigand Veerappan.



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3. As a result of such accelerated promotion, respondents 3 to 5 were promoted to the post of Grade I Police Constable earlier than the petitioner and were treated as seniors in that cadre. Their names were therefore included in the panel drawn in the year 2015, whereas the petitioner's name was excluded on the ground that no vacancy was available. Aggrieved by the same, the present writ petition has been filed.

4. Learned counsel for the petitioner, placing reliance on G.O.Ms. No. 1396, Home (Pol.1A) Department, dated 03.10.2007, submitted that although respondents 3 to 5 were granted accelerated promotion prior to the petitioner, for the purpose of promotion to the next higher post, seniority has to be reckoned based on the original seniority in the feeder category, namely Grade II Police Constable. It was contended that, contrary to the said Government Order, the petitioner's name was excluded from the promotion panel, which action is arbitrary and discriminatory.

5. Learned counsel for the petitioner further submitted that the validity of G.O.Ms. No. 1396 dated 03.10.2007 was subjected to challenge before this Court and that the learned Single Judge had upheld the validity of the said Government Order, however, was set aside and the said G.O. was restored.

6. In response, learned counsel appearing for respondents 1 and 2 and respondents 3 to 5 submitted that, since the petitioner was awarded a black mark, his promotion to the post of Grade I Police Constable was deferred until the year 2007. On the other hand, respondents 3 to 5 were granted accelerated



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promotion to the post of Grade I Police Constable as early as in the year 2004.

Therefore, they were seniors to the petitioner in the cadre of Grade I Police Constable. In the absence of any vacancy in the promotion panel for the year 2015, the petitioner's name was rightly not included.

7. Learned State counsel further submitted that, during the pendency of the writ petition, the petitioner was included in the panel of Grade I Head Constable for promotion to the post of Sub-Inspector in the year 2018 and was accordingly promoted as Sub-Inspector on 15.02.2019.

8. Heard the submissions made by the learned counsel appearing for the parties and perused the materials placed on record.

9. Since the facts leading to the filing of the present writ petition have already been adverted to in the preceding paragraphs, the same are not reiterated herein to avoid repetition.

10. The C-List drawn for promotion to the post of Sub-Inspector pertains to the year 2015. As on the date of drawal of the said panel, G.O.Ms. No. 1396 dated 03.10.2007 was very much in force. The said Government Order clarifies that the seniority between accelerated promotees and general promotees in the promoted category shall continue to be governed by their panel position, that is, with reference to their inter se seniority in the lower grade. It is further made explicit therein that accelerated promotion shall not confer consequential seniority and that such accelerated promotion is confined only to one stage.



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11. Though respondents 3 to 5, who were juniors to the petitioner in the cadre of Grade II Police Constable, were promoted earlier to the post of Grade I Police Constable by virtue of accelerated promotion, such accelerated promotion cannot be construed as conferring seniority for promotion to the next higher post. Seniority for promotion to the next higher post must necessarily be reckoned based on inter se seniority in the feeder category, namely Grade II Police Constable. The validity of G.O.Ms. No. 1396 dated 03.10.2007 was challenged before this Court. Though the learned Single Judge had initially set aside the said Government Order, the State preferred appeals in W.A. Nos. 849 to 854 and 2066 of 2010. The Division Bench, by order dated 05.04.2013, observed as follows:

“Accelerated promotion was without reference to the statutory rules or G.O.Ms.No.468, Home, dated 19.3.1996. The appellants and other police personnel were not promoted to the substantive posts but were accommodated by creation of supernumerary posts. Since there was ambiguity over panel position of the accelerated promotees vis-a-vis regular promotees, considering the representation given by the police officers, Government rightly issued G.O.Ms.No.1396 Home dated 3.10.2007 deleting paragraph No.5(e) in G.O.Ms.No.1252, Home, dated 29.10.2004 and G.O.Ms.No.1346, Home, dated 6.12.2004. Government was well within its powers in deleting Paragraph No.5(e) in G.O.Ms.No.1252, Home, dated 29.10.2004 and G.O.Ms.No.1346, Home, dated 6.12.2004 and clarifying the position by substituting a new one in G.O.Ms.No.1396, Home, dated 3.10.2007 restoring the original seniority. The learned single Judge rightly dismissed the Writ Petitions and we do not find any infirmity in the order of the learned single Judge warranting interference and all the Writ Appeals are



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dismissed. The order of status quo granted on 2.8.2012 is vacated.

12. In light of the clause in the said G.O and the affirmation by the Division Bench of this Court, the exclusion of the name of the petitioner from the panel of GR.II PC for the promotion to the post of Sub Inspector and inclusion of the names of the respondents 3 to 5 is arbitrary and discriminatory and the same is not legally sustainable.”

13. In view of the above, the following order is passed;

- i. The writ petition is allowed. The impugned order passed by the 2nd respondent dated 27.07.2015 is hereby quashed.
- ii. Respondents 1 & 2 are hereby directed to grant notional promotion to the petitioner in the post of Sub Inspector of Police from the date on which the respondents 3 to 5 were promoted. However, there shall be no monetary benefits for the said notional promotion. The said exercise shall be completed within two months from the date of uploading of this order on the official website of this court.



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iii.Learned counsel for the 5th respondent submitted that the 5th respondent is no more. Therefore, the writ petition insofar as it relates to the 5th respondent is dismissed as abated.

iv.Consequently, connected Miscellaneous Petitions are closed.
There shall be no order as to costs.

17.12.2025

Index : Yes
Internet : Yes
Neutral Citation : Yes/No
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To

1.The Director General of Police,
Dr.Radhakrishnan Salai
Mylapore,
Chennai -600004

2.The Superintendent of Police
Cuddalore District,
Cuddalore.



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HEMANT CHANDANGOUDAR, J.

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