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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.03.2025

CORAM:

THE HONOURABLE **MRS. JUSTICE V.BHAVANI SUBBAROYAN**

W.P.No.18025 of 2023

K. Gohilah

.. Petitioner

Versus

1.The Government of Tamil Nadu
represented by its Secretary,
Home Department, Fort St.George,
Chennai 600 009.

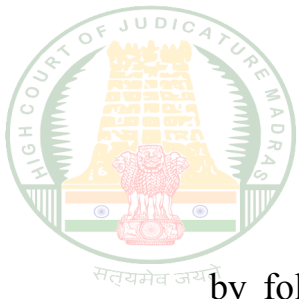
2. The Director General of Police,
Mylapore, Chennai – 600 004.

3. The Deputy Inspector General of Police,
Madurai, Madurai District.

4. The Commissioner of Police,
Madurai, Madurai District.

...Respondents

Prayer: This petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the first and second Respondents to promote the petitioner as Women Sub Inspector of Police on completion of 4 years of service in the post of Women Head Constable



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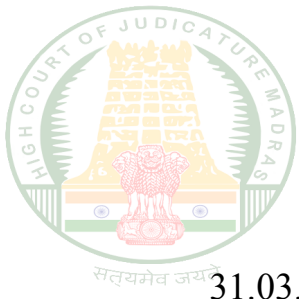
by following Adhoc Rules and consequently promote the petitioner as Inspector of Police, Deputy Superintendent of police and Additional Superintendent of Police with all monetary other attendants benefits and pass orders.

For Petitioner	: Mr.K. Raja
For Respondent	: Mr.R.U. Dinesh Rajkumar Additional Government Pleader

ORDER

This writ petition is filed directing the first and second Respondents to promote the petitioner as Women Sub Inspector of Police on completion of 4 years of service in the post of Women Head Constable by following Adhoc Rules and consequently promote the petitioner as Inspector of Police, Deputy Superintendent of police and Additional Superintendent of Police with all monetary, other attendants benefits and pass orders.

2.The facts of the case is that the petitioner was appointed as women head constable Grade-I on 01.07.1977 and promoted as Women Head Constable in the year 1981. Thereafter, she was promoted as Women Sub Inspector of Police in the year 1991 and promoted as Inspector of police in the year 2005. She retired from the service on

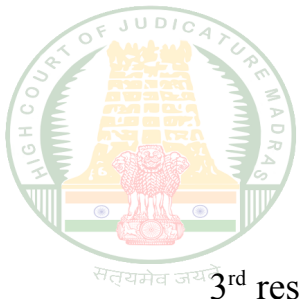


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31.03.2012 as Inspector of Police. The sum and substance of the case is that as per Adhoc Rules, the petitioner ought to have been given promotion on completion of 4 years of service in the post of Women Head Constable i.e in the year 1985. Contrarily, the petitioner was given promotion as Women Sub-Inspector of Police in the year 1991, due to which her terminal benefits and promotional aspects has been greatly affected, which has given rise to this petition.

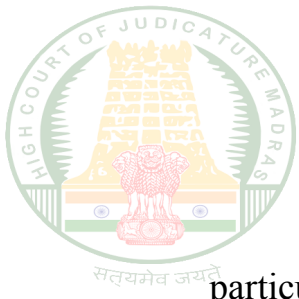
3. The learned counsel for the petitioner submitted that an aggrieved Women Head constable like the petitioner has approached the learned Administrative Tribunal, wherein, the second respondent in his circular dated 09.05.2016 has stated that the said issue was settled only in the year 2016. In addition it proves that lot of vacancies in WSIs were available prior to 1992 and arbitrary and illegal decision were taken after consuming several years subjecting the WHCs to range promotion Board so as to promote them as WSIs even though vacancies were available in the post of WSIs. Hence, prays to allow this petition.

4. The learned Additional Government Pleader appearing for the



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3rd respondent has filed a counter affidavit wherein, it has been stated that as per the Adhoc Rules the promotion, transfer and posting to the Women Police constables have to be made range wise. The condition prescribed in the Adhoc Rules for granting promotion as WSI is that they should have an experience of not less than 4 years of service as WHCs and it did not stipulate conduct of promotion test for selection to the post of WSI as in the case of Men SIs. While being so, the Government later have issued an amendment to the Adhoc Rules for Women Police Wing vide G.O.Ms.No.1730 Home (Pol.3) Department, dated 28.11.1997, wherein a pass in the written, drill and Viva-voce test have been prescribed for promotion to the post of WSI. Many Women Police personnel have filed O.A.nos.1966/1992, 1968/1992.58217/1992 and 3677/1992 and the Tribunal,, in their orders dated 27.07.1992 and 19.11.1992 had issued a stay to conduct the promotion test and if the test was conducted that result should be withheld in view of the absence of specific provision in the Adhoc Rules for the Women Police. Since, there was a large number of vacancies in the post of WSIs, promotion test could not be conducted in view of the said stay, the WHCs were temporarily promoted in between the years 1992 to 1996 based on the vacancies and seniority available in



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particular ranges. In total, 81 WHCs were promoted as WSIs on temporary basis under 15(a) of TNPSS read with Adhoc Rules according to their Range-wise seniority, without subjecting them to promotion test. Their promotion to the rank of Sub-Inspectors of Police were regularized with effect from which they were promoted as temporary Sub-Inspectors of Police. The said temporary promotions and subsequent regularization of their services in the rank of Sub Inspector of Police were given based on the vacancies of Sub Inspectors of Police available at the respective Ranges/Cities during the relevant period. The petitioner's seniority was kept at the appropriate place and promotions were ordered according to their seniority in their respective District/ Range when the vacancy arose in the next level. As per her seniority, she was promoted as Sub Inspector of Police on 19.10.1990 and further promoted as Inspector of Police with effect from 26.03.2005 and retired from service on superannuation on 31.03.2012 as Inspector of Police. Hence, the claim of the petitioner is not correct and prays to dismiss this petition.

5. Heard both sides and perused the materials available on record.



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6. Before advertng further it would be relevant to go into the

Adhoc Rules and the relevant rules is extracted hereunder:

S.No.	Category	Method of Appointment
i)	Woman Sub Inspector	(a) By Direct recruitment (b) By recruitment by transfer from any other service. (c) By promotion from the holder of the post of Woman Head Constables. Provided that promotion shall not be more than 30% of the cadre . (G.O.Ms.No.2276, Home (Pol.III) Dept.dt 26.09.81)
ii)	Amended in G.O.Ms.N9.1785, Home(Po.III) Dept dt 29.11.1995 Women Head Constables	By promotion from the category of Woman Police Constable Gr.I
3	Amended in G.O.Ms.N9.1785, Home(Po.III) Dept dt 29.11.1995 (iii) Women Police Constable Grade I (iv) Women Police Constable Grade II	By promotion from the category of Women Police Constables Grade II By direct recruitment

7. On a perusal of the above provisions and the counter affidavit filed by the respondents, it is made clear that there is no condition which



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prescribes that the promotion from one post to another ought to have been given after a stipulated period as sought by the petitioner. Furthermore the petitioner has filed this petition after 17 years of her promotion as Inspector of Police and after 10 years of her retirement from service on superannuation. Therefore, in the light of the above statutory provision the petitioners claim cannot be entertained and this writ petition is liable to be dismissed for delay and latches.

8. In view of the above facts it is made clear that there is no merits in the submissions made by the petitioner and this petition deserves to be dismissed. Accordingly this petition is dismissed. No order as to costs.

17.03.2025

Speaking order : Yes/No
Neutral citation : Yes/No
Index : Yes/No
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1. The Secretary,
Home Department, Fort St. George,
Chennai 600 009.

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V.BHAVANI SUBBAROYAN, J.

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