



WEB COPY



W.A.No.556 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.07.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE MR.JUSTICE P. DHANABAL

W.A.No.556 of 2023

1. The Director General of Police
Tamil Nadu, Chennai – 600 004.

2. The Superintendent of Police
Dindigul District, Dindigul.

.. Appellants

Vs.

B.Raja

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent, against the order dated 07.12.2021 made in W.P.No.7546 of 2015.

For the Appellants : Mr.P.Kumaresan
Additional Advocate General
assisted by Mr.V.Ravi
Special Government Pleader

For the Respondent : Mr.K.Raja

JUDGMENT

(Judgment of the Court was made by R.SURESH KUMAR, J.)

This intra-Court appeal has been directed against the order passed by the Writ Court dated 07.12.2021 made in W.P.No.7546 of 2015.

2. The respondent was the writ petitioner, who was working



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as Inspector of Police in the appellant Department. The next promotional avenue is Deputy Superintendent of Police and he became eligible to be included in the panel for promotion for the year 2011-12, consisting of persons in the feeder category to be promoted to the post of Deputy Superintendent of Police with the crucial date as on 01.06.2011.

3. Accordingly, the respondent writ petitioner's name got included in the panel for the year 2011-12 and after the panel having been prepared, including the name of the respondent writ petitioner, was sent by the Department to the Government for necessary approval and orders.

4. The State Government also, after having perused the panel, gave approval and issued orders on 19.06.2012, permitting the Department to give promotional appointment orders to the persons whose names have been approved in the panel, including the name of the respondent writ petitioner. Though such an order has been passed on 19.06.2012, the Department took some time to pass orders and they ultimately passed orders only on 06.07.2012.

5. In the meanwhile, the respondent writ petitioner has



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superannuated on 30.06.2012, that is six days prior to the orders of appointment and promotion given to others on 06.07.2012. Therefore, the appellant Department has denied such promotional appointment to the respondent writ petitioner as Deputy Superintendent of Police by considering the reason that before they have passed orders on 06.07.2012, of course belatedly, the respondent writ petitioner has already superannuated on 30.06.2012.

6. Therefore, to that extent, he already approached the Department, which has been negated by the order dated 20.12.2014 passed by the Director General of Police. That was questioned before this Court in the said writ petition seeking a writ of certiorarified mandamus. The said writ petition was heard and allowed by the learned Judge through the impugned order dated 07.12.2021.

7. We have heard *Mr.P.Kumaresan*, learned Additional Advocate General assisted by *Mr.V.Ravi*, learned Special Government Pleader appearing for the appellant Department and also *Mr.K.Raja*, learned counsel for the respondent writ petitioner.



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8. The learned Judge has traced the facts where, crucially, the facts have been recorded as has been projected on behalf of the Department by the learned Additional Government Pleader before the Writ Court, which has been extracted in paragraph 3 of the impugned order, which reads thus:

"3. The learned Additional Government Pleader on the other hand placed reliance on the counter affidavit filed on behalf of the respondents and submitted that the crucial date for the Panel Year of 2011-2012 was fixed as 01.06.2011 and the petitioner's name along with others was included and the proposal was sent to the Government for temporary appointment to the post of Deputy Superintendent of Police (Category 1). The Government issued orders on 19.06.2012 and the consequential appointment orders were issued on 06.07.2012, by which time, the petitioner had already retired from service on 30.06.2012, owing to which, he could not be given the promotion."

From which, it can be easily stated that the Government, in fact, has given approval and passed orders on 19.06.2012 itself, that is well before the superannuation date of the respondent writ



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petitioner, as he superannuated only on 30.06.2012. Therefore, by no stretch of imagination, such a promotional appointment of the respondent writ petitioner could be denied merely because the appellant Department has taken some time in passing the orders of promotional appointment on 06.07.2012.

9. That apart, as per the Rule which is in vogue, that is Rule 4(a) of the Tami Nadu Police Sub-Ordinate Service (Discipline and Appeal) Rules, what has been provided is the preparation of a panel for a particular year which would be valid for one year and would lapse at the end of that year. This aspect also has been considered by the learned Judge in the order impugned. That apart, the learned Judge has also followed the decision of the Hon'ble Supreme Court in the case of **Major General H.M.Singh, VSM Vs. Union of India and Another¹** and other Division Bench judgments of this Court.

10. However, we feel that even on the face of factual matrix, which we have culled out from paragraph 3 of the impugned order, it has become crystal clear that the respondent writ petitioner not only has become eligible to be included in the panel for the year

¹ 2014 (3) SCC 670



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2011-12, as the crucial date is only 01.06.2011, but also the panel, having been considered, was approved by the Government and orders have been passed by the Government on 19.06.2012. The moment the Government passed orders on 19.06.2012, all those beneficiaries/employees would be entitled to get such benefit of promotion and appointment. Merely because some delay is caused by the Department in passing the appointment orders or promotional orders, that would not take away the right that has already been accrued on the employees like the respondent writ petitioner, merely because, in the meanwhile, one of such employees has superannuated.

11. Therefore, the respondent writ petitioner is very much entitled to get such promotion as Deputy superintendent of Police the moment the Government passed orders on 19.06.2012 and therefore, he is entitled to get such notional benefits with all consequential service benefits.

12. It was argued by the learned Additional Advocate General as well as the Special Government Pleader appearing for the appellant Department that after superannuation on 30.06.2012, then only since the orders dated 06.07.2012 was passed by the



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Department, where the promotion sought by the respondent writ petitioner had been denied, as against which he did not immediately agitate the issue and after having waited for more than two years, he had belatedly given representation, therefore, that itself would show that it is a belated claim made on behalf of the respondent writ petitioner, therefore, that would not give rise to make any claim or right over the promotion, that too two years after retirement, that aspect, even though having been projected before the learned Writ Court, the learned Writ Court has not considered that aspect in proper perspective.

13. We are not impressed with the said submissions made by the learned Additional Advocate General as well as the learned Special Government Pleader appearing for the appellant Department.

14. Insofar as the service benefits are concerned, once the superannuation period has come, the employee has to get superannuated and get retired, as his service cannot be extended even for one day on his own. Therefore, on the date of superannuation, he would have retired, but after a week from the date of superannuation only the orders have been passed on



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06.07.2012. Then only the respondent writ petitioner came to know about the belated orders passed by the Department, thereby, injustice having been done to him, he, after having taken a decision, has made a request to the appellant Department to review the issue and to consider his plea for giving promotional avenue, of course, notionally. Merely because such a request has been made by the respondent writ petitioner after his retirement on superannuation, his right, accrued already when he was in service on 19.06.2012 itself, the date on which the Government passed orders, cannot be taken away as such a right accrued on the Government employee cannot be denied without any plausible reason. Therefore, that argument also made on behalf of the appellant Department is to be rejected, accordingly, it is rejected.

15. Therefore, we do not find any error in the approach of the learned Writ Court in giving reasons and passing orders that is impugned herein by coming to such a conclusion, allowing the writ petition through the impugned order.

16. Therefore, the appeal fails, accordingly, it is liable to be dismissed and hence, it is dismissed. Within a period of eight weeks from the date of receipt of a copy of this order, the directions, as



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has been directed by the learned Writ Court in the impugned order,
shall be complied with. There shall be no order as to costs.

Consequently, C.M.P.No.5516 of 2023 is closed.

(R.S.K., J.) (P.D.B., J)
22.07.2025

Speaking Order/Non-Speaking Order

Index:Yes/No

Internet:Yes/No

Neutral Citation:Yes/No

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To:

1. The Director General of Police
Tamil Nadu, Chennai – 600 004.
2. The Superintendent of Police
Dindigul District, Dindigul.



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P. DHANABAL, J.
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