



W.A(MD)No.1024 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 13.11.2025

CORAM:

THE HONOURABLE **DR.JUSTICE ANITA SUMANTH**
AND

THE HONOURABLE **MR.JUSTICE C.KUMARAPPAN**

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and

C.M.P(MD)No.7445 of 2024

1.The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Madurai City,
City Police Office,
Madurai – 01,
Madurai District.

...Appellants/Respondents

Vs.

K.Jaleandran

...Respondent/Writ Petitioner



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PRAYER:- Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order made in W.P.(MD)No.10924 of 2016 dated 22.11.2023 on the file of this Court.

For Appellants : Mr.Veera Kathiravan
Additional Advocate General
Assisted by
Mr.D.Sadiq Raja
Additional Government Pleader

For Respondent : Mr.G.Karthick
for M/s.Lajapathi Roy and Associates

JUDGMENT

(Judgment of the Court was made by **DR.ANITA SUMANTH, J.**)

This is an appeal filed by the State.

2.We have heard Mr.Veera Kathiravan, learned Additional Advocate General for Mr.D.Sadiq Raja, learned Additional Government Pleader appearing for State and Mr.Karthick, learned counsel for M/s.Lajapathi Roy and Associates appearing for respondent.

3.The facts are as follows. Respondent/writ petitioner had joined service on 02.04.1981 as a Grade-II Police Constable in the Tamil Nadu Special Police ('TSP/Battalion'). Between 1981 and 1987, he moved through the ranks, holding the positions of Lance Naik and Naik



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and promoted as Havildar on 01.04.1987. Service under the TSP is governed by the Tamil Nadu Special Police Subordinate Service Rules, 1978. On 22.12.1993, respondent sought a transfer to Armed Reserve (AR) and was transferred from TSP IX Battalion to AR Madurai City to the position of Grade II Police constable, which envisages a demotion, as Grade II Police Constable is an entry-level post.

4.The specific case of learned Additional Advocate General is that such transfer was at the volition of the respondent, which is not disputed by Mr.Karthick. The condition for the transfer was that all further promotions would be based only on the cadre to which he moved and that he would forego all benefits attached to his previous cadre.

5. This fact also emanates from a reading of writ affidavit dated 16.06.2016, wherein at paragraph 7 onwards, respondent refers to the stand of the State that he had foregone seniority on his own willingness and does not dispute that position in subsequent paragraphs.

6.On 07.11.1995, his service was upgraded in AR as Grade I Police Constable. On 17.01.1998, respondent again sought a transfer on his own volition from AR to Taluk/Local Police and assumed charge as



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Grade I Police Constable in the local police. His services were upgraded as Head Constable on 25.07.2000, further upgraded to SSI on 01.08.2010, included in the 'C' list of Sub Inspector in serial No.04 of 2014 and included in the 'B' list of Sub Inspector on 02.02.2015, as per Chief Office memo, dated 04.08.2015. He was granted an increment on 1st July, 2015 and demitted office on 30.04.2017.

7.Services in the cadre of Armed Reserve and Taluk Police are governed by a different enactment ie., the Tamil Nadu Special Police Subordinate Service Rules. On the verge of retirement in 2002, recovery was made vide order dated 30.12.2002 as initially, there was no pay protection when R1 was moved from TSP to AR. The respondent challenged the order before the Administrative Tribunal. That original application came to be renumbered and transferred to this Court in W.P(MD)(T)No.5293 of 2007 and came to be disposed on 02.11.2007 in his favour.

8.The Court noted that similar orders of recovery had been passed in the cases of other similarly placed candidates and that the Tribunal had, vide order dated 26.05.2004 in O.A.Nos.6231 of 2002,



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629, 630, 747, 748 and 818 of 2003 and 2098 of 2004, held that there should not be any recovery of a special pay and that the candidates must be given pay protection. The benefit of that order was extended to the respondent as well.

9.As a sequitur, the State passed proceedings dated 27.04.2010, titled '*Regulation of pay TSP police personnel received on transfer in City Police Armed Reserve*'.

10.At para 6, the order specifically referred '*to the case of the respondent and granted pay protection for the basic pay drawn by him in Battalion*'. At the time of his retirement, the respondent took a stand that his rank/seniority in the initial cadre of services must be protected and that he should be given protections based on such seniority protection.

11.A representation was made and a Writ Petition instituted seeking disposal of the representation, that led to order dated 23.05.2016 adverse to him challenging which WP(MD)No.10924 of 2016 came to be filed. The prayer was to quash order dated 23.05.2016 and a consequential direction to the Director General of Police to provide protection to the writ petitioner to the post of Head Constable with effect



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from 01.04.1987 and all further promotions to the post of Sub Inspector and Inspector of Police, on par with other persons, who were enlisted on 02.04.1981 in AR.

12.The Writ Petition came to be allowed on 22.11.2023, based on the relief granted to others who had been enlisted on 02.04.1981 ie., Kandhasamy, Natarajan, Sankaranarayanan, Koil Anthony, Irulandi, A.Subbiah Pandian, P.Subramanian, S.Subramanian and M.Karuthapandi and the relief granted under orders in W.A(MD)No.500 of 2008 on 16.06.2008, W.P(MD)No.2163 of 2008 on 21.11.2008, W.P(MD)Nos.603 to 605 of 2010 on 20.07.2010 and order dated 04.12.2009 in W.P.No. 36530 of 2004 in the case of *M.Duraipandian Vs. Director General of Police and others*.

13.Order dated 04.12.2009 in W.P.No.36350 of 2004 in the case of *M.Duraipandian Vs. Director General of Police and others* had been appealed by the State in W.A.No.868 of 2010 that came to be dismissed on 15.02.2011. The operative portion of the order of the learned Single Judge is that when identical benefits had been granted to similarly placed persons, then the respondent should also be granted the



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same and should not suffer prejudice simply because he had not approached this Court earlier. It is as against the aforesaid order that the present Writ Appeal has been filed.

14.The submissions of learned Additional Advocate General are that the respondent cannot claim protection of seniority across three cadres of service. With the appointment of the respondent as Grade II Police Constable in AR on 22.12.1993, the link that connected him to his earlier cadre of service stood broken, and his appointment as Grade I Police Constable in Taluk police on 17.01.1998, further severed the link.

15.That apart, within the cadre of local police itself, the respondent had been transferred from the rank of Grade I Police Constable to Head Constable, SSI and SI and therefore, his services must be reckoned only with respect to the cadre of taluk/local police. He would draw attention to the fact that different cadres of services are governed by different service rules and hence, even on that score, the respondent's case ought not to have been accepted as Rule 24(b) of the Tamil Nadu Special Police Subordinate Service Rules, 1978, provides for protection of seniority only in cases of transfer from one category to



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another category, within the same service.

16.His final submission is that, in any event, amendment to seniority in rank ought to have been made within three years from the date of detection of error, as provided for under Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules. Section 40(6) of the Tamil Nadu Government Servants (Conditions of Service) Act, 2016 that govern all services in the State of Tamil Nadu.

17.In the present case, the respondent had moved through the ranks in Taluk police between 1998 and 2017 and made a request for protection of seniority only in 2016, far beyond the period of three years contemplated.

18.Per contra, Mr.Karthick, who appears for respondent, vehemently defends the order under appeal, pointing out that the writ Court has taken the correct view. According to him, the Tamil Nadu Administrative Tribunal as well as this Court, in all the decisions cited, have held that similarly placed persons were entitled to protection of their seniority and rank from the time of their joining service and hence the respondent should not be singled out for differential treatment.



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19.He would also point out that merely because the respondent had not approached the Court at the relevant point in time, that should not stand to his detriment in arriving at the ultimate decision. He attempts to distinguish between rank and seniority, submitting that while the respondent does not seek seniority, what he wants is only protection of rank.

20.We have heard both learned counsel and also perused the material papers.

21.We address the last submission made by Mr.Karthick first. We do not find any appreciable distinction between rank and seniority, in the context of this case. What the respondent has sought is protection of his position as Havildar, (which is equal to Head Constable in AR) at the time of his transfer from Battalion to AR on 22.12.1993.

22.While it may be true that the position of Havildar is equitable to Head Constable, on 22.12.1993 the respondent had been moved to the entry level post of Grade II Police Constable. It is also admitted that the transfer was at his request and he had foregone service benefits attached to his previous position. In our considered view, the



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connection cord between the services rendered in Battalion and Armed Reserve stood severed, at that stage itself.

23. Moreover, the two categories/cadres of services, Battalion and Armed Reserve are distinct and governed by different sets of service rules, the Tamil Nadu Special Police Subordinate Service Rules to the former, and the Special Rules for Tamil Nadu Police Subordinate Service, to the latter. There is no overlap between the two.

24. Furthermore, the respondent has been subsequently transferred, again at his volition and foregoing previous benefits, from Armed Reserve to Taluk Police. This was in 17.01.1998, to the position of Grade I Police Constable which is lower than the position of Head Constable. Hence, claiming parity with the position of Head Constable, becomes an impossibility even for this reason.

25. While in the category of Taluk police, he has moved through the ranks, from Grade I Police Constable on 17.01.1998 to Head Constable on 25.07.2000, SSI on 01.08.2010, 'C' list of SI (Serial No.04 of 2014 list) and 'B' list on 04.08.2015 and received joint increment on 01.07.2015. Hence, too much water has flowed under the bridge, for him



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to made a request in 2016 asking to put the clock back to 1997. This is an impossibility both in law as well as on facts.

26.The above sequence of events is what distinguishes the present case from that of Durai Pandian as well as other cases cited before us. In Durai Pandian's case, we find that there was only one transfer ie., between Battalion and Armed Reserve, and hence, that case becomes distinguishable when compared with the facts of the present case.

27.In conclusion, we may usefully cite Rule 35(f) of the Tamil Nadu State and Subordinate Service Rules, that reads as under:

'(f) Application for the revision of seniority of a person in a service, class, category of grade shall be submitted to the appointing authority within a period of three years from the date of appointment to such service, class, category or grade or within a period of three years from the date of order fixing the seniority, as the case may be. Any application received after the said period of three years shall be summarily rejected. This shall not, however, be applicable to cases of rectifying orders, resulting from mistake of facts.'

28.Hence, even if respondent were of the view that there was some error in the fixation of his seniority or rank, a request for amendment ought to have been made within three years from the date of

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appointment. The application seeking amendment was filed only in 2016, way past the period of limitation.

29.For all the aforesaid reasons, we are inclined to reverse the order of the writ Court. This Writ Appeal is allowed. No costs. Consequently, connected Miscellaneous Petition is closed.

[A.S.M.J.] & [C.K.J.]
13.11.2025

NCC :Yes/No
Index :Yes/No
Internet :Yes
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To

1.The State of Tamil Nadu,
Represented by its Secretary,
Home Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
Dr.Radhakrishnan Salai,
Mylapore,
Chennai - 600 004.

3.The Commissioner of Police,
Madurai City,
City Police Office,
Madurai – 01,
Madurai District.

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