



CMP(MD) NO. 12021 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 16-06-2025

CORAM

THE HONOURABLE MR JUSTICE G.R.SWAMINATHAN
AND

THE HONOURABLE MR.JUSTICE K.RAJASEKAR

CMP(MD) NO. 12021 of 2024

IN

WA(MD) SR NO. 61183 OF 2024

1.The Government of Tamil Nadu

Rep by its Secretary to Home Department, Fort St. George,
Chennai -600 009.

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

3.The Superintendent of Police,
Ramanathapuram District.

Petitioner(s)

Vs

M Muthuraman(Rtd HC 220)

S/o.Muthurama Thevar, 2/826,G.R.Nagar 4th Main Street,
Pudur Via, Madurai

Respondent(s)

Prayer: Miscellaneous Petition filed under Article 226 of the Constitution of India, praying this Court to condone 3887 days of delay in filing the writ appeal against the order dated 28.11.2013 passed in W.P.(MD)No.133 of 2013 on the file of this Court.

For Petitioner(s): Mr.N.Ramesh Arumugam
Government Advocate

For Respondent(s):
Mr.S.C.Herold Singh



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ORDER

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(Order of the Court was made by the Hon'ble G.R.SWAMINATHAN J.)

Heard the learned Government Advocate appearing for the appellant.

2. This intra-court appeal is directed against the common order dated 28.11.2013 made in W.P.(MD)No.133 of 2013 filed by one Muthuraman. There is a delay of 3887 days in filing this writ appeal. Notice was ordered. Notice was taken to the address given by the writ petitioner in his writ affidavit. Notice was returned with an endorsement "no such person in the address".

3. In normal circumstances, we would have unhesitatingly dismissed this petition because delay is inordinate. But we allow this petition for the simple reason that by a common order, the writ petition came to be allowed by citing W.A.(MD) No.1506 of 2011, dated 17.06.2013. It has been brought to our notice that the Division Bench subsequently reviewed the said decision and the review petition came to be allowed on 22.03.2017 in Review Application Nos.70 to 79 of 2015 etc., batch. Paragraph Nos.31 & 32 of the said order read as follows:-

" 31. In the facts and circumstances of the present case in the light of the Government Orders operating the field and materials placed before us by the learned Special Government Pleader, we are of the categorical view that the writ petitioners cannot claim "deemed



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promotion” to the post of Special Sub Inspector of Police and the attendant service and monetary benefits. We therefore, left with no other option but to respectfully disagree with the decision rendered by the earlier Division Bench of this Court in similar batch of writ petitions.

32. We wish to point out that we passed the common order dated 23.04.2015 in W.A.(MD)No.348 to 357 of 2015 batch of cases on the submission made by the learned counsel that the issue involved is covered by the earlier Division Bench decision dated 17.06.2013 made in W.A.(MD)No.1506 of 2011. The niceties of the legal issues and the real import and purport of the Government Orders were omitted to the brought to our notice. We reiterate that it was only on the ground and in this manner that several police constables, most them retired from service long back, reaped monetary benefits that was not legitimately due to them under the Government Orders concerned. In such circumstances, we cannot blindfold ourselves by the earlier Division Bench decision to allow the claim of the present writ petitioners. We are thoroughly convinced in the facts and circumstances of the case that the



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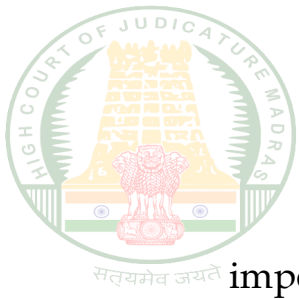
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Government has made out sustainable grounds for reviewing our earlier common order dated 23.04.2015 in W.A.(MD)No.348 to 357 of 2015.”

4. This view was subsequently confirmed by the Hon'ble Full Bench in W.A.No.3748 of 2019 etc., batch dated 04.02.2022. Paragraph No.42 of the said Judgment reads as follows:-

42. In view of the above discussion, we proceed to answer the second question that has been referred to this Full Bench hereunder:-

“We hold that the Division Bench in V.Samy case did not lay down the law correctly and we uphold the law laid down in V.Ramachandran case to the extent that there is no deemed upgradation or deemed promotion contemplated in the relevant Government Orders and the benefit of upgradation/promotion to the next level can be granted / claimed only on completion of the qualifying service in each level / rank as prescribed in the relevant Government Orders. At the risk of repetition, insofar as understanding the expression “retrospective operation” is concerned, we hold that the Government Orders operate prospectively but it

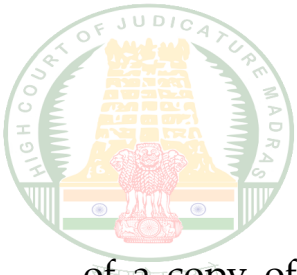


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imposes/grants new results in respect of a past event. In other words, the Government Order operates forward but it looks backward and in that it attaches new consequences for the future to an event that took place before the Government Order was issued. If the Government Orders are understood in this perspective, there is no need to get into the issue of “retrospective operation. Thus, we are of the view that the Division Bench while rendering the Judgment in V.Ramachandran case has dealt with the Government orders in its proper perspective and the Judgment in V.Samy Case is hereby overruled.”

5. When the very basis of the order passed by the learned single Judge has been found to be erroneous, we have to necessarily interfere in the matter. Otherwise, while a small set of persons would reap the benefit of upgradation, the overwhelming majority were denied the said relief. At the same time, we cannot lose sight of the fact that the department has been grossly negligent in the matter. We direct the Director General of Police, Mylapore, Chennai to pay a cost of Rs.10,000/- to the Officer-in-Charge , High Court Legal Services Committee , Madurai Bench of Madras High Court, Madurai, within a period of three weeks from the date of receipt



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of a copy of this order. Failure to do so would result in peremptory dismissal of
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C.M.P.(MD)No.12021 of 2024 without further reference to this Court. This Civil
Miscellaneous Petition is allowed on these terms.

sd/-
16/06/2025

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/06/2025
Sub-Assistant Registrar
(C.S. I / II / III / IV)
Madurai Bench of Madras High Court,
Madurai - 625 023.

RMI
TO

1.The Secretary to Home Department,
Government of Tamil Nadu
Fort St. George, Chennai -600 009.

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

3.The Superintendent of Police,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

COPY TO:
The Officer-in-Charge ,
High Court Legal Services Committee ,
Madurai Bench of Madras High Court, Madurai



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ORDER
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IN
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SA/SAR. /20.06.2025/7P/6C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17/07/2023.