



W.A.(MD)No.63 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 29.07.2025

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**THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MR.JUSTICE K.RAJASEKAR**

**W.A.(MD)No.63 of 2024
and
C.M.P.(MD)No.656 of 2024**

1. The Director General of Police,
Kamarajar Salai,
Mylapore,
Chennai - 4.
2. The Deputy Inspector General of Police,
Dindigul Range,
Dindigul.
3. The Superintendent of Police,
Theni District,
Theni.

... Appellants

Vs.

M.Velmurugan

... Respondent

Prayer : Writ Appeal filed under Clause XV of Letters Patent, to allow the writ appeal by setting aside the order passed in W.P.(MD)No.5138 of 2015 dated 22.11.2022 on the file of this Court.



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W.A.(MD)No.63 of 2024

For Appellants : Mr.A.Kannan,
Addl. Government Pleader.

For Respondent : Mr.M.Saravanakumar

JUDGMENT
(By G.R.SWAMINATHAN, J.)

Heard both sides.

2.The department is on appeal challenging the order dated 22.11.2022 passed by the learned Single Judge allowing W.P.(MD)No.5138 of 2015 filed by the respondent / Velmurugan.

3.The respondent was appointed as Grade II Police Constable on 25.05.1988. He sought conferment of Special Sub Inspector of Police with effect from 25.05.2013 when he completed 25 years of service in the department. The department insisted that on account of imposition of two penalties, he can be conferred with the said benefit only with effect from 01.12.2017. Challenging the stand of the department, the respondent filed W.P.(MD)No.5138 of 2015 and the writ petition was allowed by the learned Single Judge.



W.A.(MD)No.63 of 2024

WEB COPY

4.The learned counsel for the writ petitioner had produced copy of the order dated 18.08.2005, which reads as follows:-

“D.O.621/2005
C.No.A2/14562/328/2005

*District Police Office,
Theni District, Theni.*

Dated 18.08.2005

UPGRADTION OF GR I PC TO HC – ORDERS ISSUED

In accordance with the orders issued in the Government Order M.S.No: 124/ Home (Pol.V) Department dated 28.10.04 and Chief Office memorandum in Rc. No: 2/4591/NGB III (2)/2004 dated 28.10.04 Gr.I PC.1204, Tr: M. Velmurugan, Uthamapalayam / PEW, Theni District was entitled as Gr.II PC on 28.11.1988 and promoted as Gr.I PC w.e.f. 08.10.1990 in promoted as Head Constable on upgradation in Taluk w.e.f. 05.01.2005 FN as he has completed 6 years of service as GR I PC.

2.The above Gr. I PC will continue to serve in the same Police Station as upgraded Head Constable where he is now serving until further orders. He is also directed to exercise his option for fixing his pay in the category of Head Constable within one months from the date of this order.”



W.A.(MD)No.63 of 2024

WEB COPY

5.Copy of the order dated 11.02.2007 issued by the Superintendent of Police, Theni reads as under:-

“C.No.A4 / 34748 / 2007
D.O.No.400 / 2007

District Police Office,
Theni District, Theni.

Dated 11.12.2007

**COMPLETION OF PERIOD OF PROBATION –
ORDERED**

HC 1204 Tr. Velmurugan of Theni Traffic PS is allowed to complete the period of probation on 03.03.2007 A.N. He is brought on to “A” list with effect from 04.03.2007 F.N.”

6.Copy of the order dated 30.01.2015 issued by the Superintendent of Police, Theni is as follows:-

“D.O.No. 84/2015
C.No.A1/02750/2015

District Police Office,
Theni District, Theni

Dated: 30.01.2015

**MOVEMENT TO SELECTION GRADE IN THE CATEGORY
OF HEAD CONSTABLE-ORDERED**

Tr.M.Velmurugan, HC. 1204, Control Room, Theni District has completed ten years of service in the category of Head



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W.A.(MD)No.63 of 2024

Constable on 03.01.2015 AN. Hence, he is eligible to move Selection Grade in the category of Head Constable w.e.f. 04.01.2015 FN as per chief office memorandum in Rc. No. 115585/PBA I (I)/2010, dated: 18.05.2011. Accordingly he is moved to selection grade in the category of Head Constable w.e.f. 04.01.2015 FN

2) His pay will be fixed separately and the arrears of pay and allowances will be drawn and paid to him separately.”

7.The appellants were confronted with the copy of the aforesaid three proceedings. They are accepted as genuine. Even if they are found to be erroneous with the benefit of hindsight, the fact remains that they have not been challenged in the manner known to law. They have not been recalled till date. When the writ petitioner was upgraded as Grade I Police Constable with effect from 05.01.2005, he ought to have been upgraded as Special Sub Inspector of Police with effect from 06.01.2015. To this extent, the order of the learned Single Judge is modified. The appellants are given twelve weeks from today ie., 29.07.2025 to comply with the order of this Court. The benefits shall also be settled in the meanwhile.



W.A.(MD)No.63 of 2024

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8.This writ appeal is partly allowed. No costs. Consequently,
connected miscellaneous petition is closed.

**(G.R.S. J.) & (K.R.S. J.)
29.07.2025**

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

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W.A.(MD)No.63 of 2024



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W.A.(MD)No.63 of 2024

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W.A.(MD)No.63 of 2024

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