



W.P.(MD)No.27470 of 2022

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 04.11.2025

CORAM

THE HONOURABLE MR JUSTICE ABDUL QUDDHOSE

W.P.(MD)No.27470 of 2022
and
W.M.P.(MD).No.21569 of 2022

S.Udhaya Suriyan

... Petitioner

Vs.

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police (Head Quarters),
Madurai City,
Madurai.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Certiorarified Mandamus, to call for the entire records in connection with the impugned orders dated 26.02.2020 and 08.09.2020 of the second respondent and to quash the same and consequently to direct the respondent to all monetary benefits, including salary arrears and other allowances to the petitioner as per the date of upgradation of SSI with effect from 01.08.2010 within the time limit that may be stipulated by this Court.



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For Petitioner : Mr.M.S.Jeyakarthik
For Respondents : Mr.C.Satheesh,
Government Advocate

ORDER

This writ petition has been filed challenging the impugned orders dated 26.02.2020 and 08.09.2020 passed by the second respondent.

2. The case of the petitioner in this Writ Petition is that for no fault of his, he has not been upgraded to the post of Special Sub Inspector along with others on 01.08.2010.

3. Admittedly, on the said date, a criminal case has been registered against the petitioner and only due to the said reason, he was not upgraded to the post of Special Sub Inspector along with others. However, it is the case of the petitioner that he has now been acquitted as it has been found by the Criminal Court that he along with the other accused are not guilty of the criminal charges. Pursuant to the order of the criminal court, the petitioner has also been upgraded to the post of Special Sub Inspector on 21.10.2018., i.e., after the petitioner's retirement from service. The petitioner claims monetary benefits right from 01.08.2010, when similarly placed persons were promoted to the post of Special Sub Inspector.



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4. Learned Additional Government Pleader for the respondents placed on record a decision of the Hon'ble Supreme Court in the case of ***Government of West Bengal Vs. Dr.Amal Satpathi*** reported in ***2024 SCC Online SC 3512*** and would submit that as seen from the said decision, this Writ Petition is not maintainable, since the petitioner has already retired from service and therefore, he is not entitled for retrospective financial benefits associated to the promotional post of Special Sub Inspector, which the petitioner claims he ought to have been promoted on 01.08.2010, itself.

5. Learned Counsel for the petitioner has placed on record the following authorities in support of the petitioner's contention that since the petitioner has been deprived promotion for no fault of his, the petitioner cannot be penalised by rejecting the petitioner's request for monetary benefits retrospectively from the date when similarly placed persons were promoted to the post of Special Sub Inspector:

a) A decision rendered by a Single Judge of this Court dated ***15.12.2022*** in ***W.P.(MD)No.15615 of 2018*** in the case of ***Tmt.M.Senthamil Selvi Vs. The Secretary to Government.***



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b) A decision rendered by a Single Judge of this Court dated

12.08.2024 in **W.P.(MD)No.9435 of 2016** in the case of **G.Kannan Vs. The Secretary to Government.**

6. However, as seen from the aforesaid decisions, the issue that was the subject matter of consideration before the Hon'ble Supreme Court in **Dr.Amal Satpathi's** case was not considered. It was also not a case where the petitioner therein had retired from service and is seeking for notional promotion.

7. Admittedly, in the case on hand, the petitioner has retired from service and he claims monetary benefits by claiming notional promotion to the post of Special Sub Inspector as on 01.08.2010 along with the similarly placed persons, who were promoted on that date.

8. This Court is of the considered view that the ratio laid down by the Hon'ble Supreme Court in **Dr.Amal Satpathi's** case applies to the case of the petitioner.



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9. In view of the same, there is no merit in this writ petition and accordingly, this writ petition stands dismissed. No costs. Consequently, connected miscellaneous petition is closed.

04.11.2025

NCC:yes/no

Index:yes/no

Internet:yes/no

TSG

To

1.The Commissioner of Police,
Madurai City,
Madurai.

2.The Deputy Commissioner of Police (Head Quarters),
Madurai City,
Madurai.



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ABDUL QUDDHOSE, J.

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