

W.P.(MD) No.11338 of 2017

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Reserved On : 31.07.2025

Pronounced On : 29.08.2025

CORAM:

THE HONOURABLE DR. JUSTICE A.D. MARIA CLETE

W.P. (MD) No.11338 of 2017

and

W.M.P.(MD)No.8724 of 2017

R. Sankaralingam,
Head Constable (Armourer HC 951),
Armed Reserve, Millerpuram,
Thoothukudi,
Thoothukudi District.

... Petitioner

Vs.

1.The Deputy Inspector General of Police,
(Madurai Range) i/c, Tirunelveli Range,
Tirunelveli,
Tirunelveli District.

2.The Superintendent of Police,
District Police Office,
Nagercoil,
Kanyakumari district.

3.The Inspector of Police,
Armed Reserve, Nagercoil,
Kanyakumari District.

4.Mr. Jeyaraman,
Upgraded Head Constable AR (HC 656),
Armed Reserve, Kanyakumari,
Kanyakumari District.

... Respondents



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PRAYER in W.P.:

WEB COPY To issue a Writ of Certiorarified Mandamus, to call for the records pertaining to the impugned order in C.No.A1/14939/2016 R.O.C.No. 82/2017, dated 24.02.2017 on the file of the Respondent No.1 and the impugned order in D.O.545/2017 C.No.A4/7137/2017, dated 12.06.2017 on the file of the Respondent No.2 and quash the same as illegal and consequently to direct the Respondents No.1 to 3 to consider the petitioner for promotion from the post of Head Constable (Armourer), Armed Reserve Thoothukudi to the post of Sub-Inspector of Police (Armourer), Armed Reserve, Kanyakumari, Kanyakumari District as per the seniority based on the date of joining as the Regular Head Constable (Armourer) within the time stipulated by this Hon'ble Court and pass any further or other orders as this Hon'ble Court may deem fit under the circumstances of the case and thus render Justice.

PRAYER in WMP:

To pass an order of interim stay of the operation of the impugned order in D.O.545/2017 in C.No.A.4/7137/2017, dated 12.06.2017 on the file of the respondent No.2 and thus render justice.

APPEARANCE OF PARTIES:

For Petitioner : Mr.Rithik Sushil, Advocate,
for Mr.T.Lajapathi Roy Associates

For Respondents : Mr.V.Om Prakash,
Government Advocate for R1 to R3



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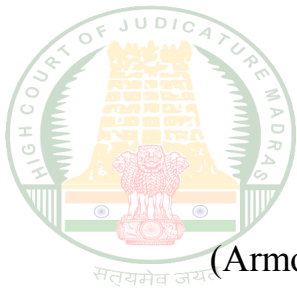
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JUDGMENT

Heard.

2. The Petitioner, in the present Writ Petition, seeks to quash the order passed by the 1st Respondent, the Deputy Inspector General of Police, dated 24.02.2017, as well as the subsequent impugned order dated 12.06.2017. The Petitioner further prays for a direction to promote him from the post of Head Constable (Armourer), Armed Reserve, Thoothukudi, to the post of Sub-Inspector of Police (Armourer), Armed Reserve, Kanyakumari, on the basis of his seniority determined by the date of his regular appointment as Head Constable (Armourer).

3. The writ petition was admitted on 20.06.2017, and in W.M.P. (MD) No. 8724 of 2017, this Court ordered that the promotion of the 4th Respondent would be subject to the outcome of the writ petition. Upon notice, the 2nd Respondent, Superintendent of Police, Nagercoil, filed a counter affidavit dated 07.08.2017. In the first order dated 24.02.2017, the 4th Respondent was included in the 'C' List of Head Constables (Armourer) found fit for promotion as Sub-Inspectors of Police



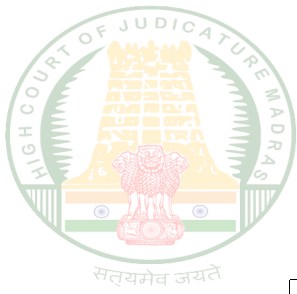
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(Armourer) for the year 2016. Pursuant thereto, the 2nd Respondent issued an order promoting the 4th Respondent. Subsequently, by another order dated 12.06.2017, the promotional order was also issued to the 4th Respondent.

4. In the counter affidavit filed by the 2nd Respondent, it is stated in paragraphs 4, 7, 8, and 12 as follows:—

“4. Agreeing with the recommendations of the Tirunelveli Range Promotion Board, Thiru.A.Jeyaraman, Head Constable 656, Kanniyakumari District (who is the senior most among the 4 recommended cases) was selected and included in the ‘C’ list of Head Constables (Armourer) fit for promotion as Sub-Inspector of Police (Armourer) for the year 2016 in the proceedings of the Deputy Inspector General of Police, Madurai Range, i/c Tirunelveli Range issued in C.No.A1/14939/2016, Range Office Order No. 82/2017, dated: 24.02.2017. Further, Thiru.A.Jeyaraman, Head Constable (Armourer), was promoted as Sub-Inspector of Police (Armourer) from the above ‘C’ list and posted to Kanniyakumari District in the existing vacancy. Annoying with the promotion of Tr. A.Jayaraman, Head Constable (Armourer) as Sub-Inspector of Police (Armourer), the petitioner, Thiru.R.Sankaralingam, Head Constable 951 (Armourer), Thoothukudi District has filed this writ petition.

“7. The comparative statement in respect of Tr.A.Jayaraman and the petitioner is furnished below:-



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Description	Tr.A.Jayaraman	Tr.R.Sankaralingam
Date of enlistment	09.06.1993	01.03.2002
Period of Armourer basic training at Regimental Centre, Avadi	12.03.2003 to 11.01.2004	23.01.2006 to 23.11.2006
Induction at Armourer Wing	30.08.2006	20.12.2006
Date of promotion as Grade I Police Constable	09.06.2003	25.07.2008
Date of promotion as Head Constable	09.06.2008	09.09.2009
Date of 'A' list as Head Constable	10.05.2011	01.10.2011

8. Thus it is crystal clear that Thiru.A.Jayaraman is senior than the petitioner, Thiru.R.Sankaralingam in all stages from the enlistment to the promotion as Head Constable. Hence the contention of the petitioner that he is the senior most Head Constable is imaginary and baseless.

12. With regard to the averments made in Para (8) of the affidavit, it is submitted that the contention of the petitioner made in this para is not true. The promotion on regular basis is ordered as and when vacancy in the sanctioned post of promoted category is arised. On such vacancy, the senior most police personnel who had already been promoted into that category on upgradation will be ordered as regularly promoted for keeping the sanctioned post in full. If such upgraded police personnel is not available, then promotion from the feeder category will be ordered after drawing 'C' list. In this instant case, Thiru.A.Jayaraman was ordered as promotion as regular Head Constable (Armourer) in the orders in D.O.No. 342/2017, C.No.A4/8256-1/2017, dated 31.03.2017 and in the 2nd para of this order, it is ordered that the pay of the



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above Head Constable has already been fixed as Head Constable on upgradation and hence is not eligible for pay fixation as Head Constable on regular promotion. Thus it means that he had already been promoted to the category of Head Constable and his pay in that category of Head Constable had already been fixed and he was drawing the salary entitled to the category of Head Constable. Further he had also put on probation from the date of promotion on upgradation and on completion of probation, he was brought on to 'A' list in the category of Head Constable with effect from 10.05.2011 whereas the petitioner was brought onto 'A' list in the category of Head Constable with effect from 01.10.2011. Hence as stated in the paras above, the petitioner is junior to Thiru.A.Jayaraman, Respondent 4 from the date of enlistment and till to the present category in each and every stage."

5. No reply or rejoinder has been filed to these statements.

However, the learned counsel for the Petitioner placed reliance on the judgment of the Hon'ble Supreme Court in ***Bharat Sanchar Nigam Limited v. R. Santhakumari Velusamy & Others***, reported in (2011) 9 ***SCC 510***, particularly paragraphs 22 and 26, which read as follows:—

"22. But even in cases where no additional posts were created, but where a process of selection was involved in the upgradation, the process has to be considered not as an upgradation simplicitor, but a process of promotion and therefore the principles of reservation would be attracted. We may refer to the Constitution Bench decision of this Court in Ram Prasad (supra) where this Court held that appointment from senior scale to selection scale is a promotion though it may not be a promotion to a higher position and consequently the



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reserved candidates are entitled to be promoted to the selection scale by way of roster points. For this purpose, the Constitution Bench relied upon the decision of Fateh Chand Soni.

26. In view of the decisions in Dayaram Asanand Gursahani, Fateh Chand Soni and Ram Prasad, the position that emerges is that even where the upgradation does not involve appointment to a different or higher post, but is as a result of a promotional process involving selection, then the principles of reservation are attracted.”

6. However, it is not evident how the aforesaid judgment advances the case of the Petitioner. In view of the stand taken by the Respondents, no ground has been made out to entertain the writ petition. Accordingly, the writ petition is dismissed. The connected W.M.P. is closed. No order as to costs.

29.08.2025

Index: Yes / No
Speaking Order / Non-speaking Order
Neutral Citation : Yes / No
LS

To

1.The Deputy Inspector General of Police,
(Madurai Range) i/c, Tirunelveli Range,
Tirunelveli,Tirunelveli District.

2.The Superintendent of Police,
District Police Office,
Nagercoil,Kanyakumari District.

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DR. A.D. MARIA CLETE, J.

LS

3.The Inspector of Police,
Armed Reserve, Nagercoil,
Kanyakumari District.

Pre-delivery Judgment made in
W.P. (MD) No.11338 of 2017

29.08.2025