



WEB COPY

WA No. 181 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 04-02-2026

CORAM

THE HON'BLE MR JUSTICE R. SURESH KUMAR

AND

THE HON'BLE MR.JUSTICE SHAMIM AHMED

WA No. 181 of 2026

P.Prabhu
S/O. M. Paramasivam,
B 3/3, New P.R.O.SI Quarters,
Raja Annamalai Puram,
Chennai-600 028

..Appellant

Vs

1. The State of Tamil Nadu
rep. by its Additional Chief Secretary to
Government,
Home (Police-III) Department,
Fort St. George, Chennai-600 009
2. The Director General of Police
State of Tamilnadu,
Kamarajar Salai,
Chennai-600 004

..Respondents

Prayer: Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 13.11.2025 made in WP.No.43688 of 2025.

For Appellant :

Mr.R. Karthikeyan



For Respondents:

Mr. P. Kumaresan,
Addl. Advocate General
assisted by
Mr.E.Veda Bagath Singh,
Spl. Govt. Pleader

JUDGMENT

(Judgment of the Court was delivered by R.Suresh Kumar J.)

This intra court appeal has been directed against the order passed by the Writ Court, dated 13.11.2025 made in W.P.No.43688 of 2025.

2. The Appellant was the writ petitioner who was enlisted as Grade II Police Constable on 01.12.2003 in the Tamil Nadu Special Police category. Thereafter, he was promoted as Havildhar on 21.01.2006. When he was working as Havildar, a Special Team was constituted during the year 2013, to nab some fundamentalist group. The Team successfully nabbed those people. Therefore, the Government issued G.O.Ms.820 Home (Police) Department, dated 08.10.2023, by which, accelerated promotion has been effected to all the members of the team including the writ petitioner, thereby, he has been promoted to the post of Sub Inspector of Police by way of accelerated promotion in the Tamil Nadu Special Police category on 12.10.2023. After becoming the Sub Inspector of Police, he wanted to transfer to the Taluk Police, for which, he has made an application, that was considered and rejected through the order dated 09.09.2025. Challenging the same, the present writ petition was



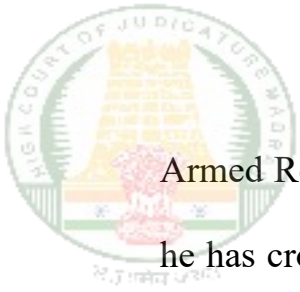
filed.

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3. The learned Judge, who considered the said Writ Petition has rejected the same on the ground that the plea raised by the Writ Petitioner having been considered was rejected on various grounds, one among the ground is the appellant/writ petitioner is over aged and even if the age relaxation is given, since other grounds have not been satisfied by the writ petitioner/appellant, he is not entitled to get such transfer to Taluk Police. Therefore, on that ground, the plea raised by the writ petitioner has been rejected by approving the order passed by the authorities dated 09.09.2025. Aggrieved over such rejection, the present Writ Appeal has been directed.

4. Heard Mr.R. Bharanidharan, learned counsel appearing on behalf of Mr.K.Karthikeyan, appearing for the Appellant and Mr.P.Kumaresan, learned Addl. Advocate General assisted by Mr.E.Veda Bagath Singh, learned Special Govt. Pleader appearing for the respondents.

5. Learned counsel appearing for the Appellant would submit that the order impugned before the Writ Court dated 09.09.2025 has given three reasons. The first reason is that the appellant / writ petitioner must be a graduate, secondly, he must not have been completed 40 years of age, and the third, he should have completed five years of service as Sub Inspector of Police in



Armed Reserve or Tamil Nadu Special Police. Except the age of 40 years, as he has crossed 40 years, for which, relaxation can very well be given under the Rules, all other criteria that has been mentioned in the 09.09.2025 order, since has been fulfilled by the writ petitioner, the order rejecting the plea of writ petitioner/Appellant ought not to have been passed. This aspect has not been considered by the learned Single Judge in proper perspective. Therefore the order passed by the Writ Court which is impugned herein, is liable to be interfered with, he contended.

6. The learned Addl. Advocate General appearing for the respondents would submit that the order dated 09.09.2025 has not fully disclosed the exact reasons, for which, his plea was rejected by the Director General of Police or Head of the Police Force. The reason being that, the promotion earned by the writ petitioner/Appellant in the year 2013 was only an accelerated promotion and once, an accelerated promotion is extended to any member of the Force, he could enjoy the promoted position with all perquisites, but for the purpose of seniority to be reckoned with for further promotion, his original seniority in the cadre alone can be taken into account. As this position has been reiterated in number of cases or number of orders passed, when that being the position, based on the accelerated promotion earned by the writ petitioner/Appellant in the year 2013, he cannot claim the status of Sub Inspector of Police. Therefore, basically, he is not entitled to get the transfer and appointment to the post of Sub



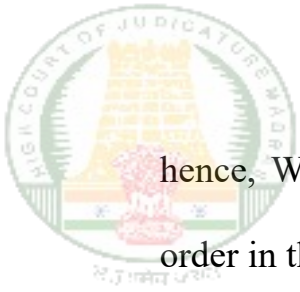
Inspector of Police at Taluk Police.

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7. Though this reason has been mainly stated by the learned Addl. Advocate General, that is not stated in the order dated 09.09.2025 and some more reasons also, which has been stated by the respondents side, might have been canvassed before the Writ Court also and that is indicated by the learned Judge through the impugned order and those reasons also has conspicuously absent in the order dated 09.09.2025. Therefore, as per the settled law, the impugned order normally would be examined and decided only on the basis of the reasons, that is attached with the said order alone. That cannot be improved by the author of the order subsequently by filing any counter affidavit, or supporting documents or by making arguments before the Court.

8. When that being the position, We have no hesitation to hold that the order dated 09.09.2025 may not be sustained only for the reasons that have been given in the order itself, as those conditions have already been fulfilled by the writ petitioner, except the age of 40 years, as he crossed the age of 40 years and for which, he is entitled to get relaxation.

9. When that being the position, the order passed by the Writ Court rejecting the plea raised by the writ petitioner might be an erroneous approach,



hence, We are inclined to interfere with the same by passing the following order in this Writ Appeal.

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(a) That the impugned order dated 09.09.2025 cannot be sustained for the reason that has been mentioned in the order itself, but at the same time, the actual reasons since has not been reflected in the order and the writ petitioner/Appellant according to the respondents, is not entitled to get transfer in the capacity as Sub Inspector of Police, because, his seniority cannot be maintained in the accelerated promoted position of Sub Inspector in view of the settled law.

(b) In that view of the matter, the 09.09.2025 order can be withdrawn by the respondent Department and they are at liberty to issue fresh order by considering the plea raised by the writ petitioner through his representation seeking transfer from Tamil Nadu Special Police to Taluk Police.

(c) A Revised order to be passed by the respondent Department within a period of two months from the date of receipt of a copy of this order.

(d) It is further open to the Appellant/writ petitioner to make further representation before the respondents with all supporting documents and in puts.

(e) While passing revised order, the same shall be taken



into consideration and a cumulative order can be passed by the respondent/Department.

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10. To the extent as stated above, the impugned order passed by the Writ Court is interfered and modified. The Writ Appeal is ordered accordingly. However, there is no order as to costs.

[R.S.K.,J.]

[S.S.A.,J.]

04-02-2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

msr

To

1. The Additional Chief Secretary to Government,
Govt. of Tamil Nadu
Home (Police-III) Department,
Fort St. George, Chennai-600 009.
2. The Director General of Police
State of Tamil Nadu,
Kamarajar Salai,
Chennai-600 004



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**R.SURESH KUMAR J.
&
SHAMIM AHMED J.**

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