



WEB COPY

WA No.2320 of 2022 etc., batch

IN THE HIGH COURT OF JUDICATURE AT MADRAS

**DATED: 07-01-2026**

CORAM

THE HONOURABLE Mr.JUSTICE S. M. SUBRAMANIAM

AND

THE HONOURABLE Mr.JUSTICE C.KUMARAPPAN

**WA Nos. 2320 of 2022, 2273 of 2021, 2265 of 2021, 848 of 2022,  
850 of 2022 & 2323 OF 2022**

**and**

**CMP.Nos.14441 of 2021, 14425 of 2021, 5693, 5697 of 2022,  
5648 of 2023, 5933 of 2023**

**and**

**WP Nos.4439 of 2012, 28266 of 2012, 27037 of 2022, 9472 of 2021,  
10544 of 2017, 24975 of 2010, 23056 of 2012 & 10589 of 2023**

**and**

**MP.Nos.2 & 3 of 2012, 2 of 2012,  
WMP Nos.26263, 26266, 26267 of 2022, 10066 of 2021, 11456 of 2017,  
10532, 10533, 10539, 10540, 10544 of 2023 & 16907 of 2024**

**WA Nos. 2320 of 2022**

1. G.Prakasam  
S/o.Gopal Sub-Inspector(Armourer)  
80/04, New SI Quarters, Z Block,  
TSP IV Battalion, Kovaipudur,  
Coimbatore - 42

Appellant(s)

Vs

1. The Secretary To Government  
Home (Police IX) Department Fort  
Saint George, Chennai - 9



WA No.2320 of 2022 etc., batch

WEB COPY

2.The Director General of Police  
Tamil Nadu,  
Chennai - 4

3.The Additional Director General of  
Police  
Armed Police, Headquarters Kilpauk,  
Chennai - 10

Respondent(s)

### **PRAYER**

Writ Appeal filed under Clause 15 of Letters Patent, praying to set aside the order passed by the Learned Judge in W.P.No.1522/2014 dated 15/12/2020 and thus render justice.

For Appellant(s): Mr.K.Venkatramani  
Senior Counsel  
for Mr.M.Muthappan

For Respondent(s): Mr.P.Kumaresan  
Additional Advocate General

\*\*\*\*\*

### **COMMON JUDGMENT**

*(Judgment of the Court was made by **S.M.Subramaniam J.**)*

Under assail is the common order passed in Writ Petitions dated 15.12.2020. Writ petitioners are the appellants before this Court. The



WA No.2320 of 2022 etc., batch

WEB COPY

amendment to Special Rules for Tamil Nadu Special Police Subordinate Services notified in G.O.(Ms).No.1710, Home (Police) Department dated 23.11.2007 was under challenge in the writ proceedings. The Writ Court disposed of the writ petitions with observations and directions.

2.The learned Senior Counsel Mr.K.Venkatramani, appearing on behalf of the writ petitioners would mainly contend that some of the writ petitioners were serving in Armoury line and their seniority in the feeder category of Sub-Inspector (Armoury) have not been taken into consideration for promotion to the post of Inspector (General line) in view of the amendment, which resulted in filing of writ petitions.

3.The facts in brief are that, all the petitioners were recruited as Grade-II Police Constables in General Line. Few Grade-II Constables opted to serve in Specialist Wings viz., Armour Line, Radio Transmission or Signal Office and Motor Transport. Persons opted to serve in Specialist Wings are provided separate line of promotions. As far as Armour Wing is concerned, a Grade-II Police Constable is promoted as Havildar(HC), and Sub-Inspector of Police (Armour) and thereafter, they will have to be promoted as Inspector of



WA No.2320 of 2022 etc., batch

**Police (General line).** Motor Transport Wing is concerned, Grade-II Police Constables are posted as Havildar (HC), Sub-Inspector of Police (Assistant Motor Transport Officer) and Inspector of Police (Motor Transport Officer). In Radio Transmission or Signal Office Wing, Grade-II Police Constable is posted as Naik (Grade-I), Havildar (HC), S.I. of Police (Assistant SO) and Inspector of Police (Signal Officer). After reaching the post of Sub-Inspector of Police in Armoury Line and Inspector of Police in Radio Transmission and Motor Transport Wing, the eligible Personnel are to be promoted to the post of Inspector of Police and Assistant Commandant respectively.

4. The dispute arose whether the seniority in the feeder post of Sub-Inspector of Police and Inspector of Police in Specialist Wings are to be taken into account for further promotion to the post of Inspector of Police (General Line) and Assistant Commandant or the Seniority in the initial cadre of Grade-II Police Constable is to be taken into consideration along with the batch-mates for promotion to the General Line.

5. The learned Senior Counsel Mr. K. Venkatramani would strenuously contend that the seniority in the feeder post is to be reckoned for further



WA No.2320 of 2022 etc., batch

WEB COUNCIL

promotion to the post of Inspector of Police in Armoury Line and in respect of other two Specialist Wings, Seniority in the cadre of Inspector of Police is to be taken into consideration for further promotion to the post of Assistant Commandant. In support, he would rely on the judgment of the Division Bench of this Court in the similar issue in the case of ***Damodaran and Others Vs. Paul and others***<sup>1</sup>, wherein the Division Bench held that the seniority in the feeder category is to be taken into consideration for further promotion in accordance with the old Rules which was existing during the relevant point of time. The observations made by the Division Bench is relied upon to establish that the promotions sought to be granted strictly in accordance with the feeder category seniority.

6.The learned Additional Advocate General Mr.P.Kumaresan would oppose by stating that the impugned amendment is aimed to achieve equal opportunity in the matter of grant of promotions amongst the Personnel serving in Specialist Wings and General Line. In order to eliminate discrimination the Rule was amended. The findings made by the Division Bench relied on by the petitioners in the case of ***Damodaran's*** case [cited

---

<sup>1</sup> 1991 WLR 436



WA No.2320 of 2022 etc., batch

supra] may not have any application, since during the relevant point of time, the Rule amended was not in existence. Based on the Rule which was prevailing during the relevant point of time in the year 1991, the Division Bench held that the seniority in the feeder post is to be taken into consideration for promotion to the next higher post. Thus, the said judgment is of no avail to the petitioners. The impugned amendment was issued by considering the plight of the Personnel, who were denied opportunity for further promotion to the higher post on par with their batch-mates. The amendment will eliminate discrimination and afford equal opportunity for promotion to all the employees, who were initially recruited as Grade-II Police Constables (General Line).

7.This Court has considered the rival submissions made between the parties to the *lis*.

8.The impugned amendments notified in G.O.Ms.No.1710 dated 23.11.2007 reads as under:-



WA No.2320 of 2022 etc., batch

WEB COPY

### **AMENDMENTS**

*“In the said Rules, (1) in rule 7, in sub-rule (a), under the TABLE, against the entry “(b) Inspectors” under the column “NAME OF POST”, for the entry in item (1), The following entries shall be substituted, namely:- “(1) Promotion from Sub Inspector General Category (Regular line); or”*

*(2) In rule 24, after sub-rule (e), the following sub-rule shall be added, namely:- “(f) Any person serving in any post in specialist category (other than regular line) may opt for transfer to general category (regular line). On transfer to the General Category, such person shall take his seniority immediately above his junior serving in any post in general category, if he is otherwise qualified to hold the post. For determining the seniority for this purpose, the seniority at the time of entry into the Tamil Nadu Special Police Subordinate Service shall be taken into account. A person in the specialist category shall not have any advantage in the general category by virtue of the promotion, if any, earned by him in the specialist category in the event of his transfer or reversion from specialist category to General category either at his option or otherwise”.*

9.It is not in dispute that all the Personnel were initially recruited as Grade-II Police Constables and few Grade-II Constables exercised option to serve in the Specialist Line viz., Armour Line, Radio Transmission or Signal Office and Motor Transport. By virtue of their additional qualification/eligibility and considering the option exercised, these Personnel were posted in Specialist Wings. In Armour Line, next level of promotions



WA No.2320 of 2022 etc., batch

from the post of Grade-II Constable is Havildar(HC) and Sub-Inspector of Police (Armour). There is no Inspector (Armour) post is created in the Department. Therefore, persons serving in Armour Line will be promoted to the post of Inspector of Police (General Line) from the post of Sub-Inspector of Police (Armour) and while considering promotion to the post of Inspector of Police, their original seniority in the cadre of Police Constable Grade-II will be taken into consideration along with their batch-mates in order to protect the seniority of the seniors, in the matter of promotions to the higher posts.

10.As far as Motor Transport Wing is concerned, Grade-II Police Constable is promoted as Havildar (HC), Sub-Inspector of Police (Assistant MTO) and Inspector of Police (Motor Transport Office). Their next avenue for promotion is Assistant Commandant. Therefore, these Specialist Wing Personnel are concerned, their seniority will be reckoned in the post of Grade-II Constable, while they are in the line of promotion to the post of Assistant Commandant. So also in Radio Transmission Wing Grade-II Police



WA No.2320 of 2022 etc., batch

WEB C

Constable is promoted as Naik (Grade-I), Havildar (HC), S.I of Police and Inspector of Police.

11.Holistic understanding of the impugned amendment would show that when the Specialist Wing Personnel are eligible for promotion to the higher post of Inspector of Police and Assistant Commandant, their seniority is to be reckoned based on their initial appointment in the post of Grade-II Police Constable, since the date of promotion within the Specialist Wing differs from the General Line and it is possible that the Specialist Wing Personnel may secure promotions in advance so that the promotion to the Personnel in General Line are not affected. That apart, in Armour Line, there is no post of Naik and Inspector of Police is created. Therefore, Grade-II Police Constable is directly promoted as Havildar and thereafter, Sub-Inspector of Police. In Motor Transport, there is no post of Naik (Grade-I). In view of the direct promotion to the post of Head Constable, the Department ensured that the promotion to the Personnel in General Line are not affected. This exactly is the reason why the amendment is brought in so as to ensure



WA No.2320 of 2022 etc., batch

equal opportunity of promotion to all the Personnel working in General Line and Specialist Wings.

12.Equal opportunity in promotion is a Constitutional mandate. All the Personnel were admittedly recruited as Grade-II Police Constables. By virtue of their additional qualification or eligibility and based on their option, they have been posted in Specialist Wings. Promotions are granted in the Specialist Wing upto the post of Inspector of Police in Transport Wing and Radio Transmission. In Armoury Wing, Promotions are granted upto Sub-Inspector of Police. Considering the peculiar facts and circumstances and the line of promotions available within Specialist Wings, the Rule came to be amended in order to eliminate inequality in the matter of grant of promotion to the higher post of Inspector of Police in General Line and Assistant Commandant in respect of other two Specialist Wings. The Writ Court while dealing with this issue, relied on the findings made by the Division Bench in its earlier judgment in the case of *Damodaran's* case[cited supra]. Pertinently, the said judgment of the Division Bench was based on the pre-amended Rules prevailed in the year 1991. Therefore, the said judgment is of



WA No.2320 of 2022 etc., batch

WEB COPY

no avail to the petitioners to contend that the seniority in the feeder category post is to be considered for promotion to the next higher post. The distinction has not been considered by the Writ Court. The Division Bench in ***Damodaran's*** case[cited supra] considered the Rule which prevailed during the relevant point of time. However, current amendment would ensure equal opportunity amongst the Personnel, who serve in General Line as well as in Specialist Wing in view of the fact that all these personnel were recruited as Grade-II Police Constables and by virtue of eligibility and option exercised they served in Specialist Wings. Therefore, the reasons for amendment is sound enough to hold that equal opportunity in the matter of promotion is restored amongst the Personnel recruited as Grade-II Police Constable and for promotion to the higher post of Inspector of Police (General Line) for Armour and Assistant Commandant in respect of other Specialist Wings.

13.In view of the above legal position, this Court is of the considered view that the amendment is made in order to protect equal promotional opportunity amongst the Personnel, recruited as Grade-II Constable and to eliminate discrimination in the matter of promotion to higher posts.



WA No.2320 of 2022 etc., batch

WEB COPY

14. Accordingly, WA.Nos.2273, 2265 of 2021, 848 & 850 of 2022 are allowed and the writ order impugned dated 15.12.2020 made in WP.No.1521 & 1522 of 2014 is hereby set aside and the Amendment issued by the Government in G.O.Ms.No.1710, Home (Police) Department dated 23.11.2007 is upheld. Consequently, WA.Nos.2320 & 2323 of 2022 and WP.Nos.4439 of 2012, 28266 of 2012, 27037 of 2022, 9472 of 2021, 10544 of 2017, 24975 of 2010, 23056 of 2012 & 10589 of 2023 are dismissed. No costs. Consequently, connected Miscellaneous Petitions are also closed.

(S.M.SUBRAMANIAM J.)(C.KUMARAPPAN J.)  
07-01-2026

Index: Yes

Speaking order

Internet: Yes

Neutral Citation: Yes

kmi

**Note: Registry is directed to incorporate all Cause titles for all the cases and issue order copy.**



WA No.2320 of 2022 etc., batch

WEB COPY

- 1.The Secretary To Government  
Home (Police IX) Department Fort  
Saint George, Chennai - 9
- 2.The Director General of Police  
Tamil Nadu, Chennai - 4
- 3.The Additional Director General of  
Police  
Armed Police, Headquarters Kilpauk,  
Chennai - 10



WEB COPY



WA No.2320 of 2022 etc., batch

**S.M.SUBRAMANIAM J.**  
**AND**  
**C.KUMARAPPAN J.**

*kmi*

**WA No.2320 of 2022  
etc., batch**

**07-01-2026**