
(2013) 07 MAD CK 0394
In the Madras High Court
Case No : Writ Petition No. 18005 of 2013

S. Andavan

APPELLANT

Vs

The State of Tamil Nadu and Others

RESPONDENT

Date of Decision : 03-07-2013

Acts Referred:

Citation : (2013) 07 MAD CK 0394

Hon'ble Judges : D. Hariparanthaman, J

Bench : Single Bench

Advocate : M. Baskaran, for the Appellant; V. Jayaprakash Narayanan, Spl. G.P, for the Respondent

Final Decision : Dismissed

Judgement

D. Hariparanthaman, J.—The petitioner joined as Grade II Police Constable on 8.1.1975. He was granted upgradation as Grade I Police Constable on 5.8.1993. He was further upgraded as Head Constable on 3.3.1998 with effect from 13.1.1998. He was further upgraded as Special Sub Inspector of Police by proceedings dated 20.3.2009 with effect from 1.6.2008. He retired from service on 31.8.2009. Thereafter, he gave a representation, dated 4.6.2013 to the Director General of Police requesting to upgrade him as Grade I Police Constable on 8.1.1985 on completion of 10 years of service from the date of entry as Grade II Police Constable on 8.1.1975 and also upgrade him as Head Constable from 8.1.1990 on completion of 5 years of service as Grade I Police Constable and thereafter to upgrade him as Special Sub Inspector of Police from 8.1.2000 on completion of 10 years of service as Head Constable. The petitioner requested for monetary benefits for the post of Special Sub Inspector of Police.

2. Thereafter, he has filed this writ petition seeking for a direction to the second respondent to pass orders on his representation dated 4.6.2013 by upgrading him as Special Sub Inspector of Police on completion of 25 years of service from the date of entry into service in the light of G.O.Ms. No. 15, Home (Police V) Department, dated 7.1.2010 and in the light of the order passed in a batch of

writ petitions, dated 28.6.2012 in W.P. Nos. 11544 to 11550 of 2012 and accordingly to revise his pension and other retirement benefits.

3. Heard the learned counsel for the petitioner and Mr. V. Jayaprakash Narayanan, learned Special Government Pleader.

4. The crux of the submissions made by the learned counsel for the petitioner is that the petitioner is entitled to upgradation to the post of Special Sub Inspector of Police on completion of 25 years of service from the date of entry into service.

5. On the other hand, the learned Special Government Pleader has submitted that neither G.O.Ms. No. 15, Home (Police-V) Department, dated 7.1.2010 nor the order dated 28.6.2012 in W.P. No. 11544 to 11550 of 2012 directed to count the services from the date of entry to upgrade the police personnel to the post of Special Sub Inspector of Police.

6. The learned Special Government Pleader has submitted that the Government issued G.O.Ms. No. 1681, Home (Police-V) Department, dated 12.10.1992 granting upgradation to Grade II Police Constables as Grade I Police Constables as a first time since there were stagnation in the post of Grade II Police Constable. It is stated in the G.O. that 21000 Group II Police Constables were to be upgraded as Grade I Police Constables and 2700 Grade I Police Constables were to be upgraded as Head Constables in a phased manner over a period of 5 years from 1992-1993 onwards.

7. G.O.Ms. No. 937, Home (Police) Department, dated 21.7.1998 was issued. In the said G.O., it is stated that the Head Constables who have rendered 10 years of service can be upgraded as Special Sub Inspector of Police.

8. I have considered the submissions made by either side.

9. As rightly contended by the learned Special Government Pleader, the petitioner was upgraded as Grade I Police Constable by order dated 5.8.1993 pursuant to G.O.Ms. No. 1681, Home Department, dated 12.10.1992. The order dated 5.8.1993 of the Superintendent of Police, Tiruchirappalli is enclosed in the typed set. Though the petitioner joined service in 1975, he was upgraded in 1993 pursuant to G.O.Ms. No. 1681.

10. Thereafter, on completion of 5 years of service, he was upgraded as Head Constable with effect from 13.1.1998. The order dated 3.3.1998 upgrading him as Head Constable on completion of 5 years of service as Grade I Police Constable is also enclosed in the typed set. This order also refers to G.O.Ms. No. 1681.

11. Thereafter, he was upgraded as Special Sub Inspector of Police by an order dated 20.3.2009, with effect from 1.6.2008 on completion of 10 years of service as Head Constable.

12. Therefore, no Government Order has provided that upgradation as Grade I Police Constable shall be made after completion of 10 years of service from the

date of entry into service.

13. In his representation, dated 4.6.2013, the petitioner wanted to count his service from the date of entry into service for upgradation.

14. Neither G.O.Ms. No. 15, Home (Police) Department, dated 7.1.2010 nor the order dated 28.6.2012 in W.P. Nos. 11544 to 11550 of 2012 provide for upgradation in the aforesaid manner.

15. The right to upgradation is based on G.Os. As stated above, the upgradation came into existence only after the issuance of G.O.Ms. No. 1681, Home (Police) Department, dated 12.10.1992.

16. The petitioner was given upgradation as Grade I Police Constable as per G.O.Ms. No. 1681 in 1993 and thereafter he was given upgradation as Head Constable on completion of 5 years of service and further upgradation as Special Sub Inspector of Police was granted on completion of 10 years of service as Head Constable. Therefore, he cannot seek upgradation by counting his service from the date of entry into service.

17. In fact, similar writ petitions of this nature were already dismissed by this Court by an order dated 12.06.2013 in W.P. No. 15628 of 2013 etc. Therefore, I am not inclined to issue a direction to the second respondent to consider his claim for upgradation. For all these reasons, the writ petition is dismissed. No costs.