



T. Mahamuni v. Secretary to Government, Home Department, (Madras)(Madurai Bench) : Law Finder Doc Id # 1805646

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MADRAS HIGH COURT

(Madurai Bench)

Before:-[Mr. M. Dhandapani, J.](#)

W.P(MD)No. 3454 of 2010 and W.M.P(MD)No. 2 of 2010. D/d. 6.1.2021.

T. Mahamuni - Petitioner

Versus

The Secretary to Government, Home Department, Chennai-600009 and Ors. - Respondents

For the Petitioner:- Mr. G. Bala, Advocate.

For the Respondent:- Mr. D. Muruganantham, Additional Government Pleader.

IMPORTANT

Accelerated promotion does not confer accelerated seniority in the promoted category. Government order denying seniority to accelerated promotees upheld, and reversion order found to be lawful.

A. Service Law - Accelerated promotion - Government Order stating that accelerated promotion does not confer accelerated seniority in the promoted category upheld - Accelerated promotees cannot have their seniority in the promoted post, as seniority is determined by inter-se seniority in the lower grade - Reversion order based on this principle found to be lawful.

[Paras [7](#) to [9](#)]

B. Service Law - Principles of Natural Justice - Held, where reversion order is based on the judgment of the court and does not involve any procedural infirmity, there is no requirement for issuing prior notice to affected party - Dismissal of writ petition challenging reversion order justified.

[Paras [8](#) to [9](#)]

ORDER

Mr. M. Dhandapani, J. - This writ petition is filed seeking a writ of certiorari to quash the impugned order of reversion passed by the 3rd respondent vide proceedings in D.O.No.188/2010, C.No.A3/1582/2010 dated 08.03.2010.

2. The case of the petitioner is that the petitioner has entered into the Police Department as Police Constable Grade II in the year 1195 and he had opted to work in the Special Task Force (STF)



formed by the Government to apprehend the notorious forest brigand Veerappan. In the daring and intrepid operation the forest brigand Veerappan was shot dead by the Special Task Force. In the recognition of the petitioner's courage, the Government had passed an order in G.O.Ms.No.1346, Home (Police VIII) Department dated, 16.12.2004 awarding one stage of accelerated promotion to the members of the Special Task Force, who had participated in the encounter killing of the forest brigand Veerappan. Based on the above Government Order, the petitioner was promoted from the post of Grade II Police Constable to the post of Grade I Police Constable, with effect from 30.10.2004 and therefore, the petitioner was given accelerated promotion with due seniority in the promoted post strictly in accordance with law. The petitioner was also further promoted as Head Constable on 28.1.2005 and the probation of the petitioner was completed in the year 2007 in the rank of Head Constable.

3. While so, the 1st respondent has passed an order based on G.O.Ms.No.1396 Home (Pol.IA) Department, dated 03.10.2007 stating that the accelerated promotees cannot have their seniority in the promoted post and the said G.O.Ms.No.1396 was challenged before this Court in W.P.No.17312 of 2008 and this Court by order, dated 30.10.2009 observed that accelerated promotees cannot have their seniority in the promoted post and based on which, the present impugned proceedings have been passed.

4. The learned Counsel appearing for the petitioner submitted that the impugned order has been passed without giving any opportunity of hearing to the petitioner and hence, the impugned proceedings issued without affording an opportunity to petitioner is in violation of principles of natural justice. Therefore, the learned Counsel prayed that this Court may set aside the impugned proceedings and remand back the matter for fresh consideration, after affording an opportunity to the petitioner.

5. Per contra, the learned Additional Government Pleader appearing for the respondents submitted that the very same issue has been raised by a similarly placed person like the petitioner in W.P(MD)No.1349 of 2011, wherein this Court has held that since the reversion order was passed, based on the judgment of this Court, there is nothing illegal in the reversion order and hence, the learned Additional Government Pleader prayed that this writ petition be dismissed.

6. Heard the learned Counsel appearing for the petitioner and the learned Additional Government Pleader appearing for the respondents and also perused the materials placed on record.

7. Admittedly, the petitioner has entered into the Police Department as Police Constable Grade II and he opted to work in the Special Task Force and thereafter, the petitioner was given one accelerated promotion and promoted as Police Constable Grade I on 30.10.2004 and subsequently, he was promoted as Head Constable on 28.01.2005 and he has also completed his probation in the year 2007 in the rank of Head Constable. While so, the Government issued G.O.Ms.No.1396 Home (Pol.IA) Department, dated 03.10.2007 stating that the accelerated promotees cannot have their seniority in the promoted post, which was challenged before this Court and the said G.O.was also upheld by this Court recently.

8. It would be appropriate to refer to the decision of this Court in W.P(MD)No.1349 of 2011, dated 17.04.2012, wherein it has been held that the reversion order was passed based on the judgment of this Court and hence, there is nothing illegal in the reversion order and the relevant portions read as follows:

"The petitioner was a Grade-II Police constable and he was granted accelerated promotion of



Grade-I Police Constable for his participation in the Special Task Force [STF] that involved in nabbing Veerappan in the forest. Based on the promotion of Grade-I Police constable, he was further promoted as Head Constable. Later this Court passed an order dated 14.10.2009 in W.P(MD)No.35716 of 2007 batch, relating to accelerated promotion. Para 28(6) of the said judgment is relevant for the purpose of this case and the same is extracted hereunder:

"The Government was well within its power in deleting para 5(e) in G.O.Ms.No.1252, dated 29.10.2004 and substituting by new one in G.O.Ms.No.1346 Home Department, dated 06.12.2004, namely,

"The Seniority between the accelerated promottees and the general promottees in the promoted category, ie., with reference to their inter-se-seniority in the lower grade. At any stage, the accelerated promotion will not give the individual accelerated consequential seniority, since the accelerated promotion is only for one stage.

Based on the said judgment, the petitioner was issued with the impuned order reverting into the post of Grade-I Police Constable as his seniority got affected pursuant to the aforesaid order dated 14.10.2009 made in W.P(MD)No.35716 of 2007 batch. On promotion to the post of Grade I Police Constable due to accelerated promotion, the regular promottees, who were senior in feeder category, would be treated as seniors in Grade -I Police Constable Post. That is the result of the judgment referred to above.

2.Hence, the impugned order was passed reverting the petitioner as Grade -I Police Constable. The petitioner seeks to challenge the impugned order. Since the impugned order is based on the judgment of this Court, there is nothing illegal in the impugned order.

3.The writ petition fails and accordingly, the same is dismissed. No costs. Consequently, connected miscellaneous petitions are also dismissed."

9. As this Court in the very same issue, held that the impugned proceedings of reversion has been issued, in pursuance of the orders passed by this Court and there is no infirmity or illegality in the impugned proceedings, there is no need for the respondents to issue any notice to the petitioner and therefore, considering the facts and circumstances of the case and also by applying the above cited decision of this Court, I am not inclined to interfere with the impugned proceedings and accordingly, the writ petition stands dismissed. Further, the interim stay granted on 18.03.2010 in M.P(MD)No.2 of 2010 is hereby vacated and the miscellaneous petition in M.P(MD)No.2 of 2010 is also dismissed.