

ITEM NO.13

COURT NO.11

SECTION XII

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (C) No(s). 12257-12258/2018

(Arising out of impugned final judgment and order dated 07-02-2018 in WA No. 83/2018 07-02-2018 in WA No. 82/2018 passed by the High Court Of Judicature At Madras)

P. JAWAHAR & ORS.

Petitioner(s)

VERSUS

THE STATE OF TAMIL NADU & ORS.

Respondent(s)

IA No. 71240/2018 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

WITH

SLP(C) No. 13190/2018 (XII)

IA No. 70977/2018 - CONDONATION OF DELAY IN FILING

IA No. 70978/2018 - CONDONATION OF DELAY IN REFILING)

SLP(C) No. 4043/2019 (XII)

(IA No.13721/2019-CONDONATION OF DELAY IN FILING and IA No.13723/2019-PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 03-09-2019 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SANJAY KISHAN KAUL

HON'BLE MR. JUSTICE K.M. JOSEPH

For Petitioner(s) Mrs. V. Mohana, Sr. Adv.
 Mr. Sidharth Luthra, Sr. adv.
 Mr. Navneet Dagar, Adv.
 Mr. T. Harish Kumar, AOR

For Respondent(s) Mr. V. Giri, Sr. Adv.
 Mr. M. Yogesh Kanna, AOR
 Mr. S. Partha Sarathi, Adv.

R-3 Mr. Prasanth P., AOR

Mr. R. Ramesh, Adv.
 Ms. A. Sumathi, AOR

R-149-151 Mr. Roy Abraham, Adv.

Ms. Reena Roy, Adv.
Ms. Seema Jain, Adv.
Mr. Akhil Abraham, Adv.
Mr. Himinder Lal, AOR

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

A Special Task Force was constituted to rein in the I..Veerappan and his gang in which the Task Force was successful. At the stage of constituting the Task Force, applications were invited and persons were selected.

Various benefits were extended to the members of the task force in terms of G.O.(Ms.) dated 27.10.2004 and 29.10.2004.

The first G.O.(Ms.) dealt with financial grants and house sites to the police officers. The second G.O.(Ms.) gave one stage accelerated promotion by creation of supernumerary post to accommodate the accelerated promotion. The inspectors who were granted such accelerated promotion to the rank of DSP were to be appointed temporarily and services were to be regularised after obtaining the concurrence of TNPSC.

We are really concerned with the issue of the nature of the accelerated promotion granted to the police personnel as it is their say that once they are promoted through this process, it is the date of promotion which will count towards seniority while the other group of police officers contend that this was a one stage accelerated promotion only for that period of time and the seniority in the promoted post, once the others are promoted, would be as per the seniority rank in the post from which they were

promoted.

The State Government perceiving certain difficulties issued a G.O.(Ms.) dated 03.10.2007. This G.O.(Ms.) sought to withdraw the benefits extended vide G.O.(Ms.) dated 29.10.2004 to the extent that the seniority of the persons who got the benefit of one stage accelerated promotion was to be counted as per their seniority in the previous rank.

It would suffice to say that these G.O.(Ms.) gave rise to certain legal conflicts in due course and we are faced with three Special Leave Petitions arising from this fundamental dispute.

We are, however, informed that there are certain subsequent developments. These developments are that while earlier the G.O. (Ms.) conferring the benefit as well as withdrawing the benefit were in the nature of administrative orders, it appears that on a re-think, the State Government is seeking to confer the benefits to members of the task force through statutory amendment to the Rules having retrospective effect. This exercise has been completed on 24.07.2013 by issuing a G.O.(Ms.) of that date inserting sub-Rule 11(b) of the said Rules of the Tamil Nadu state Police Service. These Rules in turn form subject matter of challenge in Writ Petition No.24461/2013 and other connected matters which are pending consideration in the Madras High Court.

We have heard learned counsel for the parties at some length.

We are not inclined to interfere with the impugned orders but we need not say anything more for the reason it may cause some prejudice to the petitioners before us. The reason for the same is that while the challenge before us is predicated on the

administrative orders, a statutory exercise has now been carried out where Rules have been amended. As to whether those Rules are valid or not is not something for us to debate. If those rules are valid and are upheld the members of the Task Force would be the beneficiary. If those Rules are quashed, naturally, the effects, so far as the one stage accelerated promotion is concerned, would not be available to them in their promoted posts.

The aforesaid position is not really disputed before us by either of the parties.

We thus, consider it appropriate to dispose of these petitions in the aforesaid terms leaving the limited issue to be determined by the High court in the Writ Petitions pending. As to what could be the consequences of the decision, have also been enumerated by us herein above. The parties are left to bear costs.

At the request of learned counsel for the petitioner(s) we clarify, though we really see no need of it, that the debate on the challenge to the statutory Rules would be made within those parameters as would be applicable to such a challenge.

We may, however, observe that it is open for the petitioners to move for intervention/impleadment in the proceedings pending before the Madras High Court as they would be directly affected by the result.

Pending applications stand disposed of.

(ASHA SUNDRIYAL)
COURT MASTER

(ANITA RANI AHUJA)
COURT MASTER