



WEB COPY



W.A.No.976 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 23.04.2025

CORAM:

THE HONOURABLE Mr. JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE Dr. JUSTICE A.D. MARIA CLETE

W.A.No.976 of 2023

Paul Prem Kumar

.. Appellant

Vs.

1.The Secretary to Government
Home (Police IX) Department
Fort St. George
Chennai 600 009

2.The Director General of Police, Tamil Nadu
Dr. Radhakrishnan Salai
Mylapore
Chennai 600 004

3.The Additional Director General of Police
Armed Police
Kilpauk
Chennai 600 010

.. Respondents

Writ Appeal filed under Clause 15 of the Letters Patent to set aside the order dated 11.10.2022 passed in W.P.No.3170 of 2019.



WEB COPY



W.A.No.976 of 2023

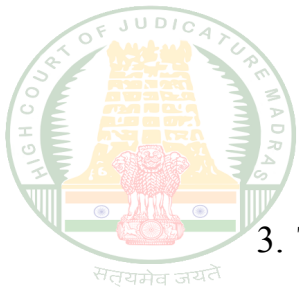
For Appellant : Mr.R.Saravanan
For Respondents : Mr.P.Kumaresan
Additional Advocate General
Assisted by Mr.Venkateswaran
Special Government Pleader

JUDGMENT

(Delivered by R.SURESH KUMAR, J.)

This intra-court appeal has been directed against the order passed by the writ Court dated 11.10.2022 passed in W.P.No.3170 of 2019.

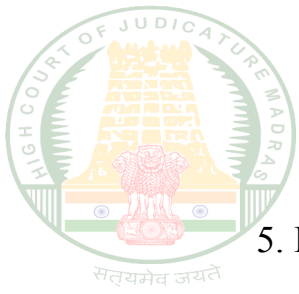
2. The appellant was the writ petitioner, who was selected and appointed as Band Police Constable *i.e.*, Police Constable in Police Band Division and had been working there in that capacity. After some years, he had applied to the respondents seeking conversion from Band Police Constable to general conversion as Grade-II Police Constable that was negated by the orders dated 10.10.2017 passed by the 3rd respondent, which was under challenge before the writ Court.



W.A.No.976 of 2023

3. The learned writ Court, having considered the factual matrix, method of recruitment, qualification to hold the post of Grade-II Police Constable and also following the law laid down by the Division Bench in this regard, has, by way of the impugned order, dismissed the writ petition which was filed to quash the order dated 10.10.2017 and also for a mandamus to convert the appellant/writ petitioner from Band Police Constable to general conversion as Grade-II Police Constable.

4. Assailing the same, Mr.R.Saravanan, learned counsel appearing for the appellant/writ petitioner would contend that there is no specific rule to govern as to such conversion of Band Police Constable to general conversion as Grade-II Police Constable. The fact remains that on regular basis the services of the appellant/writ petitioner has been utilised by the respondent Department for bandobust duty and security purpose. When that being so, he is fit to be a Grade-II Police Constable and therefore, such conversion cannot be rejected. He would also submit that in respect of two such cases, Band Police Constables have been converted as Grade-II Police Constables and therefore, discrimination cannot be shown against the candidature of the petitioner alone, he contended.

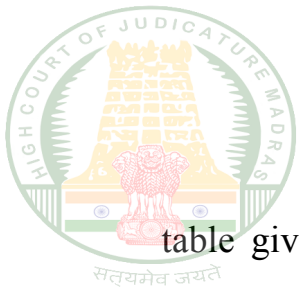


W.A.No.976 of 2023

5. In order to meet the above arguments advanced by the learned counsel for the appellant/writ petitioner, Mr.P.Kumaresan, learned Additional Advocate General would contend that insofar as the discrimination is concerned, the two Band Police Constables who had been wrongly given conversion from Band Police Constables to Grade-II Police Constables had been reconverted to Band Police Constables and such kind of mistake would not occur in future. Insofar as the claim made by the appellant/writ petitioner that on regular basis, he had been put in bandobust duty as well as security duty is concerned, if any such duty has been entrusted to him, that also would have taken place mistakenly and that would also would not recur in any future and in this context, the learned Additional Advocate General would assure to this Court that no Band Police Constable would be utilised in security or bandobust duty as regular Grade-II Police Constables.

6. We have considered the said submissions made by the learned counsel appearing for both sides and perused the order passed by the writ Court.

7. The method of recruitment as well as the nature of duty between the Band Police Constable and the General Line Police Constable has been mentioned in a

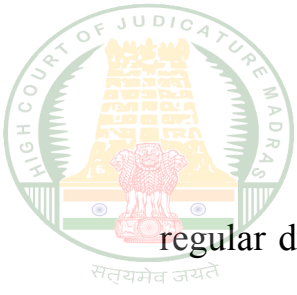


W.A.No.976 of 2023

table given by the learned Judge in paragraph 4 of the order impugned which would speak for itself. Moreover, the earlier view taken by the Courts have been distinguished and the decision rendered by the Division Bench in W.A.No.2475 of 2018 in this regard, which has also been taken note of by the learned Judge in paragraph 5 of the order.

8. Having regard to these facts and circumstances, we are of the view that we do not find any reason to interfere with the order that is impugned herein and the same is accordingly sustained.

9. Before parting with the matter, insofar as the complaint that has been made by the learned counsel for the appellant/writ petitioner that the appellant has been on permanent basis or on semi-permanent basis had been allotted duty in the regular bandobust duty or security work is concerned, though it has been accepted by the learned Additional Advocate General that mistakenly it might have been given, we hereby direct that hereafter, the Band Police Constables shall not be utilised for any other regular security duty or bandobust, which is meant for regular constables and whenever the Band Police Constables, are without their



W.A.No.976 of 2023

regular duty of playing the instruments or Police Band, that would not *ipso facto*

give rise to the respondents to utilise their services for another duty. That position

shall be strictly followed by the respondent department.

In the result, this writ appeal is dismissed with the above direction.

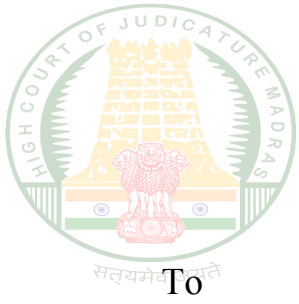
No costs.

(R.S.K., J.) (A.D.M.C., J.)
23.04.2025

gya

Index: Yes/No

Neutral Citation: Yes/No



W.A.No.976 of 2023

To
WEB COPY

1.The Secretary to Government
Home (Police IX) Department
Fort St. George, Chennai 600 009

2.The Director General of Police, Tamil Nadu
Dr. Radhakrishnan Salai
Mylapore, Chennai 600 004

3.The Additional Director General of Police
Armed Police
Kilpauk, Chennai 600 010



WEB COPY



W.A.No.976 of 2023

R. SURESH KUMAR, J.
AND
A.D. MARIA CLETE, J.

gya

W.A.No.976 of 2023

23.04.2025