



WEB COPY



W.A.No.276 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.04.2025

CORAM :

THE HONOURABLE MR.JUSTICE R. SURESH KUMAR
AND
THE HONOURABLE DR.JUSTICE A.D.MARIA CLETE

W.A.No.276 of 2023

1. The Director General of Police
Mylapore, Chennai – 2.

2. The Superintendent of Police
Tirunelveli District.

.. Appellant

Vs.

N.Vijayachandran

.. Respondent

Prayer: Appeal filed under Clause 15 of the Letters Patent Act,
against the order made in W.P.No.30089 of 2017 dated 24.08.2021.

For the Appellant : Mr.P.Kumaresan
Additional Advocate General
assisted by Ms.V.Yamuna Devi
Special Government Pleader

For the Respondent : Mr.M.S.Soundararajan

JUDGMENT

(Judgment of the Court was authored by R.SURESH KUMAR, J.)

This writ appeal has been directed against the order passed by
the Writ Court dated 24.08.2021 made in W.P.No.30089 of 2017.



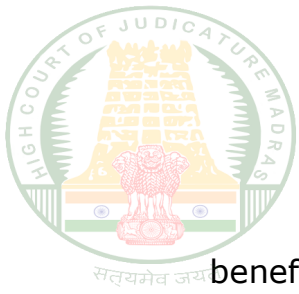
W.A.No.276 of 2023

WEB COPY

2. Before the Writ Court, the respondent *N.Vijayachandran*, sought a writ of certiorarified mandamus, to call for the records pertaining to the proceedings dated 16.03.2017 on the file of the second respondent therein, who is the second appellant herein, and to quash the same and to direct the respondents therein to include the respondent's name in the appropriate place in the select list for the year 1992-93 along with his batch-mates recruited in the year 1992-93 with due seniority and award all consequential service benefits.

3. The said writ petition was allowed through the impugned order dated 24.08.2021.

4. We have heard *Mr.P.Kumaresan*, learned Additional Advocate General appearing for the appellants, who, after getting instructions by verifying the records, has fairly stated before this Court that insofar as this respondent is concerned, he might be entitled to get the seniority along with his batch-mates of the year 1992-93. However, the fact remains that, since he has not worked in the promoted post for all these years, such benefits, if at all given, based on which, if service benefits are concerned, such benefits can be conferred upon him notionally without any monetary



W.A.No.276 of 2023

benefits, as he has not admittedly worked in the promoted position.

WEB COPY

5. We have also heard *Mr.M.S.Soundararajan*, learned counsel for the respondent/writ petitioner, who has made an attempt that the respondent once became eligible and is entitled to get seniority on par with his batch-mates of the year 1992-93, consequently, he is entitled to get all service benefits, including monetary benefits.

6. We have considered the said submissions made by learned counsel appearing for both sides.

7. As has been pointed out by the learned Additional Advocate General appearing for the appellants, that though the respondent would be entitled to claim seniority along with his batch-mates of the year 1992-93, the fact remains that he had not been given enlistment along with his batch-mates in the year 1992-93 and only belatedly he got it and because of which, admittedly, he has not worked for several years and also in the promoted position. Therefore, if at all he is entitled to get seniority from the year 1992-93 along with his batch-mates, the service benefits could be conferred on him only notionally and in this context, monetary benefits, that is back pay, cannot be claimed by the respondent/writ



W.A.No.276 of 2023

petitioner.
WEB COPY

8. In that view of the matter, we are inclined to dispose of this writ appeal with the following orders:

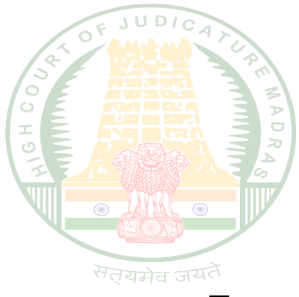
That the impugned order is to be sustained, accordingly, it is sustained. However, we make it clear that the service benefits, pursuant to the seniority going to be conferred on the respondent along with his batchmates of the year 1992-93, can only be notional and no monetary benefits can be claimed by him.

9. With these modifications, the order passed by the learned Judge, which is impugned herein, is sustained and approved. By thus, the writ appeal is disposed of accordingly. However, there shall be no order as to costs.

(R.S.K., J.) (A.D.M.C., J)
22.04.2025

Neutral Citation:Yes/No

drm



W.A.No.276 of 2023

WEB COPY

To:

1. The Director General of Police
Mylapore, Chennai – 2.
2. The Superintendent of Police
Tirunelveli District.



WEB COPY



W.A.No.276 of 2023

R. SURESH KUMAR, J.
AND
A.D.MARIA CLETE, J.
(drm)

W.A.No.276 of 2023

22.04.2025