

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATE:12-06-2015

CORAM:

THE HONOURABLE MR. JUSTICE SATISH K. AGNIHOTRI  
AND  
THE HONOURABLE MR. JUSTICE M. VENUGOPAL

W.A.No.781 of 2015  
and  
M.P.No.1 of 2015

C.Jayaraj  
S/o.Chinnaiyan Udachivilai , Arasakulam  
Thengapattinam Post,  
Kanniyakumari District.

...Appellant

Vs

- 1 The State of Tamilnadu  
Rep. by its Secretary to Government  
Home (Police) Department Fort St. George  
Chennai-9.
- 2 The Director General of Police  
Tamilnadu Chennai-4.

...Respondents

Writ Appeal filed under clause 15 of Letters Patent Act, against the order dated 24-11-2014 passed in W.P.No.24509 of 2014.

Petition under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus, calling for the records of the 2nd respondent Memorandum in R.C.No.168000/GB II(1)/2013 dated 22.11.2013 and in R.C.No. 018125/Rect.II(2)/2005 dated 20.1.2010 and quash the same in so far as the petitioner is concerned and directing the respondents to publish the combined seniority list of 1367 Sub-Inspectors of Police recruited directly for the year 1994-1995 as per G.O.Ms.No.1054 Home (Police-III) Department dated 13.7.1995 and G.O.Ms.No.1627 Home (Police-III) Department dated 24.10.1996 and make further promotions to the post of Deputy Superintendent of Police Category-I in accordance with the seniority list.

For appellant : Mr. K.Sanjay  
For respondents : Mr. P.S. Shivashanmuga Sundaram,  
Spl.G.P

ORDER

(Order of the Court is made by SATISH K. AGNIHOTRI, J.)

Feeling aggrieved by the common order dated 24-11-2015, passed in W.P.Nos.2727, 7142, 3701, 8944, 24500, 24509 and 24576, 29246 and 31862 of 2014, the petitioner in W.P.No.24509 of 2014, has come up with the instant appeal.

2. The learned counsel appearing for the appellant fairly submits that against the said common order, Writ Appeal Nos.1599 and 1600 of 2015 were preferred by the writ petitioners in W.P.Nos.2727 and 24500 of 2014. A Division Bench of this Court examined the common order at length and by order dated 11-03-2015, dismissed the appeals holding as under:

"27. It appears that the departmental candidates (267 in number) were given seniority over and above the second batch of 600 candidates directly recruited from the open market, since all of them joined duty together on 2.6.1997. This appears to have given rise to another set of litigation, which is independently pending on the file of this Court. Therefore, we refrain from recording a final opinion on the contention relating to the lacuna in the amendment to the rules.

28. The third contention of the respondents is that appellants/petitioner are guilty of delay and laches. Since we have found, even on merits, that those 267 departmental candidates cannot claim seniority over and above the first batch of 500 candidates directly recruited from the open market, we do not wish to go into the question of delay and laches. Even if we give the benefit of doubt to the appellants/ petitioner that they were not aware of the rejection of their request for fixation of seniority way back in the year 2010, the in-service candidates may not get the benefit of a verdict on merits.

29. In fine, we find that the claim of the appellants/petitioner is unsustainable both in law

and on facts. Accordingly, both the writ appeals as well as the writ petition are dismissed. No costs. Consequently, all the miscellaneous petitions are also dismissed."

3. We are of the considered view that the said common order has already been subjected to judicial scrutiny by a Division Bench of this Court in the aforesated appeal and as such, no further adjudication is required. Even otherwise, judicial propriety and discipline requires that a decision of the co-ordinate Division Bench on the same subject matter has to be followed.

4. Accordingly, we dismiss the writ appeal in the same terms as in W.A.No.1599 and 1600 of 2014. No costs. The connected miscellaneous petition is also dismissed.

Sd/-  
Assistant Registrar(CO)

//True Copy//

Sub Assistant Registrar

glp

To

- 1 The Secretary to Government  
Home (Police) Department Fort St. George  
Chennai-9.
- 2 The Director General of Police  
Tamilnadu Chennai-4.

1 CC to Elanchezhiyan, Advocate SR.No. 29028

1 CC to the Government Pleader, SR.No. 29007

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W.P.No.16700 of 2015  
and M.P.No.1 of 2015

UG (CO)  
PSI (22.06.2015)