

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 01.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.31083 of 2015

M.Kalaiarasan

... Petitioner

Vs.

1. The Secretary to Government
Home (Police-3) Department Fort St George
Chennai-9

2. The Director General of Police
Law & Order Mylapore Chennai-4

... Respondent

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the respondents 1 & 2 to re-fix the seniority based on the G.O.(Ms).No.396 Home (Police-3) department dated 11.05.2015 by considering the petitioner representation dated 03.08.2015 within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.R.Vijayakumar
Additional Government Pleader

O R D E R

By consent, the writ petition is taken up for final disposal.

2.The petitioner would state that he has participated in the selection process through direct recruitment to the post of Sub Inspector of Police in the year 1994-95 conducted by the Tamil Nadu Uniformed Services Recruitment Board and claims to have come out successfully and was given provisional selection as Sub Inspector of Police and he was also subjected to medical test on 16.10.1995, however, when the selection list was published, his name was not found place and other selected candidates were deputed for training on 01.03.1996. The

petitioner, on enquiry came to know that he was not considered for selection on the ground of medical dis-qualification. The petitioner aggrieved by the same, approached the Tamil Nadu Administrative Tribunal and as per the directions, Medical Board was constituted which gave the opinion, the petitioner was not suffering due to any medical complication and therefore, he was given appointment to the post of Sub Inspector of Police and he was deputed for training along with the Sub Inspectors selected in the year 1998-99.

3.The grievance expressed by the petitioner is that, but for the alleged dis-qualification, he should have been deputed for training on 01.03.1996 itself and gained consequent seniority and in this regard, submitted representation dated 03.08.2015 to the respondents 1 and 2 through proper channel and since no orders have been passed, came forward to file this writ petition.

4.Heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents, who would submit, the claim made by the petitioner is hit by delay and latches and prays for dismissal of the writ petition.

5.This Court heard the rival submissions and also perused the materials placed before it.

6.Though the petitioner prayed for a larger relief, this Court in the light of the above facts and circumstances and without going into the merits of the claim projected by the petitioner either in the representation or in this writ petition, directs the respondents 1 and 2 to consider and dispose of the petitioner's representation dated 03.08.2015 on merits and in accordance with law and pass orders within a period of twelve weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

7.The writ petition is disposed of accordingly. No costs.

Sd/-
Deputy Registrar (J)

//True Copy//

Sub Assistant Registrar

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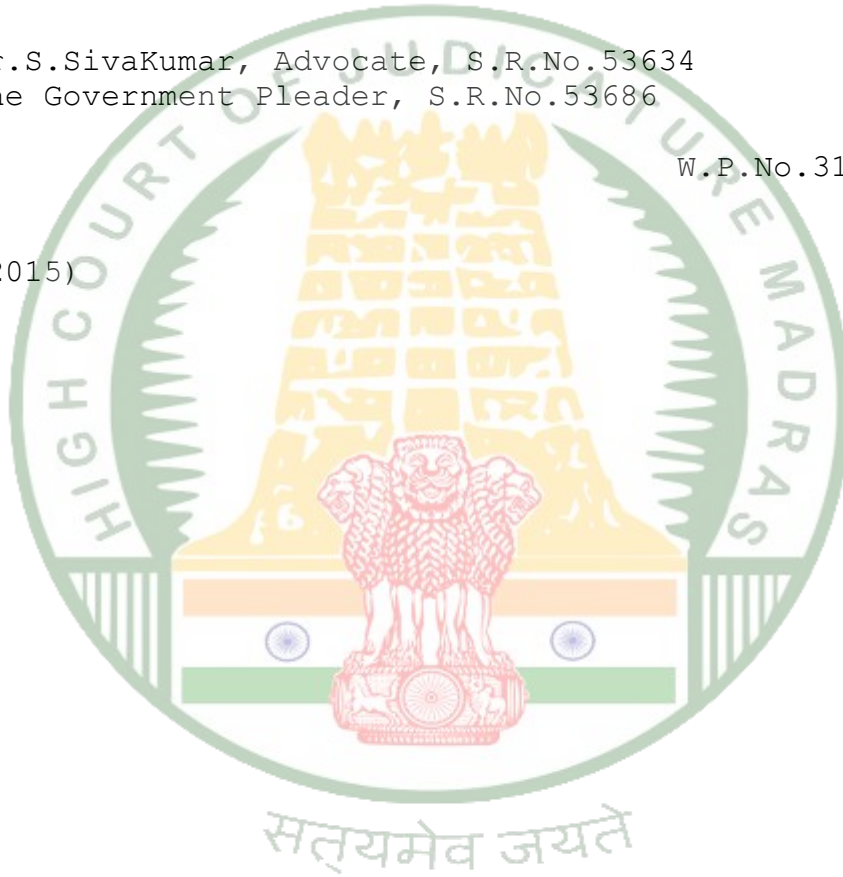
To

1. The Secretary to Government
Home (Police-3) Department Fort St George
Chennai-9
2. The Director General of Police
Law & Order Mylapore Chennai-4

+1cc to Mr.S.SivaKumar, Advocate, S.R.No.53634
+1cc to the Government Pleader, S.R.No.53686

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BVR(CO)
CA(16/10/2015)



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