

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 28.10.2015

CORAM

THE HONOURABLE MR. JUSTICE M.SATHYANARAYANAN

W.P.No.34157 of 2015

1.G.Kathalingam
2.A.Kasinathan
3.R.Kaliyamoorthy
4.M.Selvaraj
5.K.Kasinathan
6.V.Jayakumar
7.V.Rajavel
8.D.Duraimohan
9.A.N.Shanmugam
10.A.Nageswaran
11.M.Shanmugam
12.N.Nehru
13.S.Sarangapani
14.S.Ramanathan
15.A.Chandrakasan
16.V.Anbalagan
17.Anantharaj
18.G.Kanagaraj
19.K.Shanmugam
20.P.Varatharajan
21.G.Sundaravadivel
22.K.Palaiyan

... Petitioners

-Vs-

1.The Secretary to Government of Tamil Nadu
Home (Police) Department,
Secretariat,
Chennai - 600 009.

2.The Director General of Police,
Chennai - 600 004.

3.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.

4.The Deputy Inspector General of Police,
Tamil Nadu Railway Police,
Chennai - 600 008.

WEB COPY

5.The Superintendent of Police,
Nagapattinam.

6.The Superintendent of Police,
Tamil Nadu Railway Police,
Trichy.

... Respondents

Writ Petition filed under Article 226 of the Constitution of India praying for issuance of a Writ of Mandamus directing the respondents 2 to 4 to fix the seniority and grant upgradation of posts as per G.O.Ms.No.844, Home (Police-V) Department dated 03.06.1997, G.O.937, Home (Police III) Department, dated 21.07.1998 and G.O.Ms.No.15 Home (Police V) Department dated 07.01.2010 in terms of proceedings of Superintendent of Police, Tirunelveli in D.O.No.326/2015/C/No.A2/58801/2014 dated 26.03.2015 and proceedings of Deputy Inspector General of Police, Tirunelveli in C.No.A1.1225/2013/R.O.O.No.141/2015 dated 27.03.2015 and to grant up-gradation to the petitioners as Grade I, Head Constable and Special Sub Inspector of Police respectively on completion of 10 years, 15 years and 25 years of service and to grant notional fixation of pay and consequential revision of pension and pensionary benefits with arrears arising thereof.

For Petitioner : Mr.S.Muthukoodalingam

For Respondents: Mr.V.Subbiah,
Special Government Pleader.

O R D E R

By consent, this Writ Petition is taken up for final disposal.

2. The petitioners, in paragraph No.2 of the affidavit filed in support of this writ petition, had given their service particulars and all of them are retired as Head Constable and Special Sub-Inspector of Police respectively. It is stated by the petitioners that the 1st respondent in G.O.Ms.No.844, Home (Police-V) Department dated 03.06.1997 and in G.O.Ms.No.937, Home (Police III) Department, dated 21.07.1998 has issued orders stating that Grade-I Constables, who had put in 10 years of service are eligible to the post of Head Constable and thus, who had put in 25 years of service are directly eligible for the post of Sub-Inspector of Police and all of them have put in 30 years of service from the date of their initial appointment.

3. The petitioners have also expressed their grievances that the seniority has not been fixed in accordance with G.O.Ms.No.844 Home (Police V) dated 03.06.1997 and as a consequence, their juniors got promoted and whereas, the petitioners have not been given any promotion. The fixation of the seniority has been the subject matter of challenge in very many writ petitions. Thiru Mr.R.B.Thangapandian, Mr.S.Michael Antony and Mr.R.Paul Thurai made challenges by filing W.P.(MD) Nos.2989, 2888 and 4864 of 2011 and the same were allowed and the appeal filed by the official respondents in W.A.Nos.361, 364 and 367 of 2012 were allowed and the review applications filed by them were allowed by common order dated 02.07.2013 and the said orders were also given effect to vide proceedings of the Superintendent of Police, Tirunelveli dated 26.03.2015 as well as by the proceedings of Deputy Inspector General of Police, Tirunelveli dated 27.03.2015 and since the petitioners are similarly placed persons, they have given representations dated 04.07.2015 to the 1st respondent and since, no orders have been passed, came forward to file this writ petition.

4. Learned counsel appearing for the petitioners would submit that as against the common order, allowing Review Applications, the official respondents filed Special Leave petition in S.L.P.No.19349 to 19351 of 2014 and it was also dismissed. The orders were also implemented conferring benefits upon the petitioners therein as well as the other persons similarly placed and therefore, the petitioners are entitled to the very same relief as that of the writ petitioners in W.P. (MD)Nos.2989, 2888 and 4864 of 2011.

5. Heard the submission of Mr.V.Subbiah, learned Special Government Pleader, who accepts notice on behalf of the respondents and would submit that the petitioners are guilty of delay and latches for the reason that having waited for so many years, they have belatedly approached this Court and prays for dismissal of this writ petition.

6. Though the petitioner prayed for the larger relief, this Court, in the light of the facts and circumstances, directs the 1st respondent to consider and dispose of the petitioners representation dated 04.07.2015 on merits and in accordance with law, after taking note of the above cited orders as well as the proceedings of the Superintendent of Police, Tirunelveli and Deputy Inspector General of Police, Tirunelveli and pass orders within a period of ten weeks from the date of receipt of a copy of this order and communicate the decision taken, to the petitioner.

The Writ Petition is disposed of accordingly. No costs.

Sd/-
Asst.Registrar (CS II)

/true copy/

Sub Asst. Registrar

vsm

To

- 1.The Secretary,
Government of Tamil Nadu
Home (Police) Department,
Secretariat,
Chennai - 600 009.
- 2.The Director General of Police,
Chennai - 600 004.
- 3.The Deputy Inspector General of Police,
Thanjavur Range,
Thanjavur.
- 4.The Deputy Inspector General of Police,
Tamil Nadu Railway Police,
Chennai - 600 008.
- 5.The Superintendent of Police,
Nagapattinam.
- 6.The Superintendent of Police,
Tamil Nadu Railway Police,
Trichy.
- 7.The Superintendent of Police,
Tirunelveli.
- 8.The Deputy Inspector,
General of Police,
Tirunelveli.

+1 cc to Mr.S.Muthukoodalingam, Advocate, sr.58972
+1 cc to Government Pleader, sr.58972

W.P.No.34157 of 2015

msm co
kra 06/11/2015