

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 30.10.2015

CORAM

THE HONOURABLE MR.JUSTICE M.SATHYANARAYANAN

W.P.No.34812 of 2015

S.Panneer Selvam

... Petitioner

Vs.

1. State rep by the Principal Secretary
to the Government,
Home Department, Secretariat,
Chennai - 600 009

2. The Director General of Police,
Mylapore, Chennai 4

... Respondents

Prayer:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, directing the respondents to pass orders on subsequent revision of seniority in the ranks of Deputy Superintendent of Police and above within a stipulated time and to accord all service benefits to the petitioner.

For Petitioner : Mr.K.Muthramalingam

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 was initially recruited as Sub Inspector of Police during the year 1976 and at the time of the said recruitment, the Rule of seniority is based on marks obtained in police training and amendment came into being in the year 1985 and as a consequence, the petitioner's seniority was re-fixed and he was pushed down by many places and was placed in serial no.219. It is further stated by the petitioner that persons aggrieved by the amendment which took place in the year 1985, filed W.P.Nos.38792 and 38793 of 2003 and it was allowed on 10.09.2007 and the State challenging the said order filed SLP Nos.1984 and 1985 of 2008 and the same SLPs are pending and however, no interim orders have been granted. Subsequently, Home (Police 3) Department vide G.O.Ms.724, dated 14.08.2010 has restored the seniority of S.Durairaj and Rajamoney - petitioners in W.P.Nos.38792 and 38793 of 2003.

3.The grievance expressed by the petitioner is that though he is similarly placed like that of the other two persons, his seniority has not been restored and in this regard filed W.P.No.17305 of 2011 and it was disposed of by directing the first respondent therein to consider and dispose of the representation submitted by the petitioner within a stipulated period.

4.On 27.05.2013, the first respondent has passed G.O.Ms.No.333, dated 27.05.2013, restoring the original seniority of the petitioner subject to the result of the above said SLPs pending on the file of the Hon'ble Supreme Court. The petitioner would further state that though his seniority was re-fixed, it has not been revised in the cadre of Inspector of Police; in the rank of Deputy Superintendent of Police and above and in this regard, the petitioner has also submitted a representation to the concerned respondents and in the interregnum, he retired from service as Additional Superintendent of Police.

5.The learned counsel appearing for the petitioner has drawn the attention of this Court to the typed set of documents and would submit that the Inspector General of Police (Establishment) - cum - Public Information Officer has sent a communication dated 27.10.2014 stating that necessary proposal for revision of seniority and inclusion of the name of the petitioner in the regular panel of Inspector of Police by recruitment by transfer as Deputy Superintendent of Police (Category - I) for the year 1999-2000 was sent to Government on 19.06.2014 and the same is pending consideration and the Home (Police 2) Department, dated 11.03.2015 informing the petitioner that the matter is pending consideration.

6.It is the submission of the learned counsel appearing for the petitioner that though necessary recommendation has been sent to the Government as early as on 19.06.2014 nothing has happened so far and hence, the petitioner is constrained to approach this Court.

7.This Court also heard the submissions of Mr.R.Vijayakumar, learned Additional Government Pleader who accepts notice on behalf of the respondents and would submit that the matter is under active consideration of the first respondent.

8.This Court in the light of the above facts and circumstances, directs the first respondent to pass final orders on the recommendation with regard to the revision of seniority of the petitioner by inclusion of his name in Deputy Superintendent of Police (Category - I) for the year 1999-2000 and pass appropriate and consequential orders in accordance with law within a period of six weeks from the date of receipt of a

copy of this order and communicate the decision taken to the petitioner.

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

Sd/-
Assistant Registrar(J)

//True Copy//

Sub Assistant Registrar

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To

1. The Principal Secretary
to the Government,
Home Department, Secretariat,
Chennai - 600 009

2. The Director General of Police,
Mylapore, Chennai 4

+1cc to Mr.K. Muthuramalingam, Advocate, S.R.No.59350
+1cc to the Government Pleader, S.R.No.59882

SKV(CO)
EU(23/11/2015)

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