

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13..10..2015

CORAM

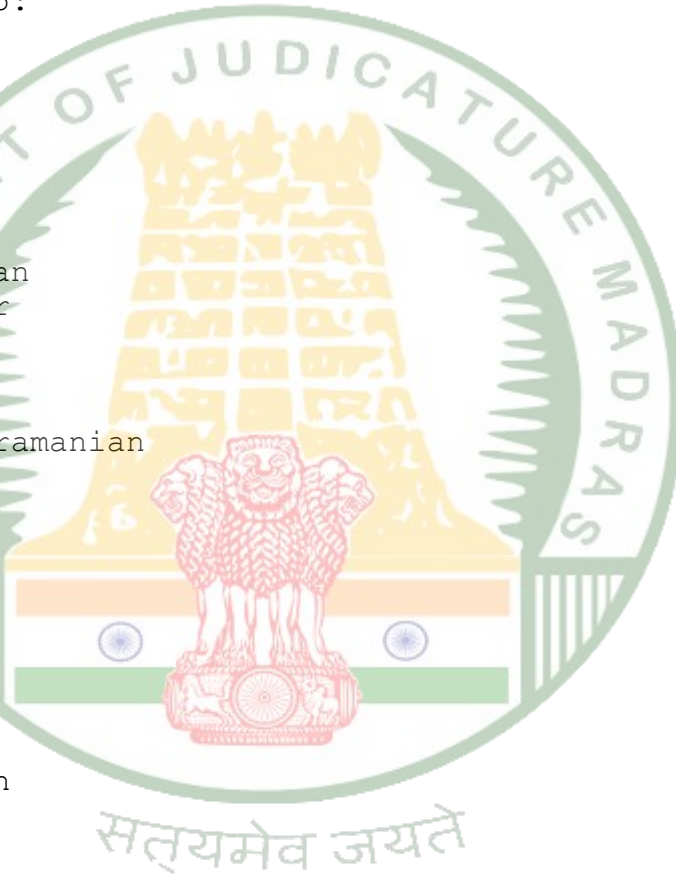
THE HON'BLE Mr.SANJAY KISHAN KAUL, CHIEF JUSTICE
and

THE HON'BLE Mr.JUSTICE T.S.SIVAGNANAM

W.P. Nos. 8982, 6526 and 6727 of 2015
and M.P.Nos.1,1,1,2,2,2 and 3 of 2015

W.P.No.8982 of 2015:

- 1 V.Rajaganesh
- 2 M.Balaguru
- 3 V.Kathiresan
- 4 Suresh Kumar
- 5 R.Arivalagan
- 6 P.Saravanan
- 7 S.Radhakrishnan
- 8 B.Praveenkumar
- 9 S.Ganesan
- 10 G.Sai Ganesh
- 11 S.Nazeer
- 12 G.Sankara Subramanian
- 13 K.Elayaraja
- 14 V.Velumani
- 15 P.Jayalakshmi
- 16 P.Mohan
- 17 P.Natarajan
- 18 S.Vijayakumar
- 19 P.Nedumaran
- 20 N.Sasirajan
- 21 H.Saravanan
- 22 M.Ramachandran
- 23 A.Kalidas
- 24 S.Sivakumar
- 25 E.Anandakumar
- 26 R.Senthilkumar
- 27 P.R.Senthilkumar
- 28 E.Senthilrajamohan
- 29 K.Dhanalakshmi
- 30 J.Prabu
- 31 S.Rajaprabu
- 32 J.Krishnaraj
- 33 R.Yuvaraj
- 34 B.Senthilprabu
- 35 R.Senthilnathan
- 36 M.Rajesh
- 37 S.Balaji
- 38 N.Udayakumar



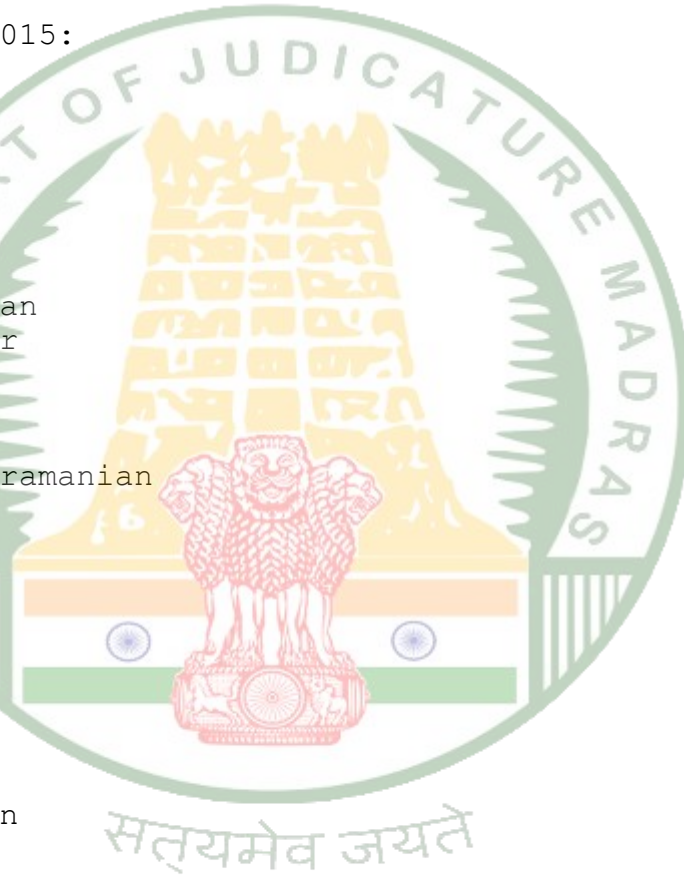
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39 P.Kamaraj
40 P.Manikumar
41 S.Dhamodharan
42 R.S.Saravanan
43 N.Ramarajan
44 M.Selvam
45 J.Asokan
46 G.Senthil Kumar
47 K.Senthil Kumar
48 M.Sivasubramaniam
49 J.Raman
50 K.Rajaraman
51 M.M.Selvaragavan

..Petitioners in W.P.No.8982/2015

W.P. No. 6727 of 2015:

1 V.Rajaganesh
2 M.Balaguru
3 V.Kathiresan
4 Suresh Kumar
5 R.Arivalagan
6 P.Saravanan
7 S.Radhakrishnan
8 B.Praveenkumar
9 S.Ganesan
10 G.Sai Ganesh
11 S.Nazeer
12 G.Sankara Subramanian
13 K.Elayaraja
14 V.Velumani
15 P.Jayalakshmi
16 P.Mohan
17 P.Natarajan
18 S.Vijayakumar
19 P.Nedumaran
20 N.Sasirajan
21 H.Saravanan
22 M.Ramachandran
23 A.Kalidas
24 S.Sivakumar
25 E.Anandakumar
26 R.Senthilkumar
27 P.R.Senthilkumar
28 E.Senthilrajamohan
29 K.Dhanalakshmi
30 J.Prabu
31 S.Rajaprabu
32 J.Krishnaraj
33 R.Yuvaraj
34 B.Senthilprabu
35 R.Senthilnathan
36 M.Rajesh
37 S.Balaji



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38 N.Udayakumar
39 P.Kamaraj
40 P.Manikumar
41 S.Dhamodharan
42 R.S.Saravanan
43 N.Ramarajan

.. Petitioner in W.P.No.6727/2015

W.P.No.6526 of 2015:

1.M.Selvam
2.J.Asokan
3.G.Senthil Kumar
4.K.Senthil Kumar
5.M.Sivasubramaniam
6.J.Raman
7.K.Rajaraman
8.M.M.Selvaragavan

.. Petitioners in W.P.No.6526/2015

Versus

1. The State of Tamil Nadu
Rep. by its Secretary to Government Home
(Police-3) Department The Secretariat
Chennai-5.
2. The Director General of Police
(Law and Order) Dr. Radhakrishnan Salai
Mylapore Chennai-4. ..Respondents in all WPs.
3. The Director General of Police
Tamil Nadu Uniformed Services Recruitment
Board (TNUSRB) Anna Salai Chennai.
...3rd Respondent in
W.P.No.8982 of 2015

W.P.No.8982 of 2015: Petition filed under Article 226 of the Constitution of India, for a writ of Certiorarified Mandamus, calling for the records relating to the impugned Notification No.1/2015 dated 8.2.2015 issued by the 3rd respondent as illegal and unreasonable and quash the same and consequently direct the respondents to post the petitioners as Sub Inspectors of Police (Taluk) by way of Transfer/ conversion to category one together with age relaxation as applicable and with interse seniority within the time frame.

W.P.No.6727 of 2015: Petition filed under Article 226 of the Constitution of India, for a writ of Mandamus, directing the respondents to grant conversion to the petitioners from their respective category 2 (Armed Reserve) / category 3 (Tamil Nadu Special Police/Battalion) to Category 1 (Taluk police/Law and Order) in the post of Sub-Inspector of Police together with age relaxation and consequent interse seniority within the time frame.

W.P.No.6526: Petition filed under Article 226 of the Constitution of India, for a writ of Mandamus, directing the respondents to grant conversion to the petitioners from their respective category 2 (Armed Reserve)/Category 3 (Tamil Nadu Special Police/Battalion) to Category 1 (Taluk police/ Law and Order) in the post of Sub-Inspector of Police together with age relaxation and consequent inter se seniority within the time frame.

For Petitioners :: Mr.K.Ravi Anatha Padmanaban
For Respondents :: Mr. P.H.Arvinth Pandian
assisted by
Mr.STS.Murthy
Government Pleader

Mr.V.R.Kamalanathan AGP

Mr.V.Shanmughasundar
Government Advocate

COMMON ORDER

(Judgment of Court was made by The Honourable Chief Justice)

The petitioners who occupied the post of Sub Inspectors in the Police department having been recruited in the year 2008, seek the prayer of assailing the impugned notification No.1/2015 dated 8.2.2015 issued by the 3rd respondent for fresh recruitment of Sub Inspectors coupled with a direction that the petitioners should be posted as Sub Inspectors (Taluk) by way of Transfer/ conversion to category one together with age relaxation as applicable. The petitioners at present are in categories-II and III. There is no salary difference between the three categories. The three categories are Law and Order, Armed Reserve and Tamil Nadu Special Police Battalion.

2. The apprehension of the petitioners is that the persons who have been recruited under Notification dated 08.02.2015 may be appointed in Category-I prior to the conversion of the petitioners to Category-I and thus, may lose out on that opportunity. It is their case that they are eligible as Category-I as is the past practice, having done their Law training and becoming eligible in the year 2013, after completing 5 years of service. Despite repeated representations, no action has been taken on the aspect of conversion.

3. The stand of the respondents is that the petitioner has nothing to do with the notification dated 08.02.2015 which is

for fresh recruitment. It is pleaded that the petitioners cannot seek conversion to Category-I under direct vacancies and conversion is a matter of policy decision not covered by any Acts or Rules, but is one of discretion. The Government Order relied upon by the petitioners is stated to be one such act of 'one time measure.'

4. On hearing the learned counsel for the parties, we are of the view that the endeavour to assail the fresh recruitment process vide Notification dated 08.02.2015 by the petitioners is misconceived. The petitioners cannot assail the fresh recruitment. The only grievance the petitioners can agitate is their plea for conversion from Category-II to Category-I. That is not in any manner related to the notification dated 08.02.2015.

5. As far as the request for conversion by the petitioners is concerned, the same is pending consideration.

6. We are of the view that it is necessary to give a quietus to this issue by taking a decision within a time bound manner so that the petitioners know the fate of their representation. If the representation is accepted, nothing survives, but if it is rejected with reasons, that may give rise to further cause of action. We thus direct the respondents to consider the representation of the petitioners within a maximum period of six weeks from the date of receipt of this order. We may note that it makes no difference that the relevant rules having been framed or that according to the respondents it is a matter of posting, since it cannot be disputed that up to the year 2007, this practice has been followed by issuing G.Os, each time claiming to be a one-time measure.

7. On our query, learned Additional Advocate General states that the proposal will emanate from the second respondent and then the final decision will be taken by the first respondent.

8. The writ petitions are disposed of in the aforesaid terms, leaving the parties to bear their own costs. Consequently connected miscellaneous petitions are closed.

9. Copy of the order be sent to the first and second respondent on or before Friday (16.10.2015).

sd/-
ASSISTANT REGISTRAR (CS-IV)

/ TRUE COPY /

SUB-ASSISTANT REGISTRAR

ksr

To

1. The Secretary,
State of Tamil Nadu
(Police-3) Department The Secretariat
Chennai-5.
2. The Director General of Police
(Law and Order) Dr. Radhakrishnan Salai
Mylapore Chennai-4.
3. The Director General of Police
Tamil Nadu Uniformed Services Recruitment
Board (TNUSRB) Anna Salai Chennai.

+1 CC to Mr.Ravi Anatha Padmanaban Advocate, SR.NO. 56096

W.P. Nos.8982, 6526 and 6727
of 2015

CO-MG
JD 16/10/2015



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