

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 08.12.2016

CORAM:

THE HONOURABLE MR. JUSTICE RAJIV SHAKDHER

and

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

W.A.No.1564 of 2016

and C.M.P.No.19464 of 2016

- 1.State of Tamil Nadu,
Rep. By its Secretary,
Home Department,
Government of Tamil Nadu,
Fort St. George,
Chennai - 600 009.
- 2.The Director General of Police,
Santhome, Chennai - 600 004.
- 3.The Inspector General of Police,
(Armed Police) Kilpauk,
Chennai - 600 010. Appellants/Respondents
1 to 3
vs.

1.Y.Baby

- 2.The Chairman,
Tamil Nadu Public Service Commission,
Chennai - 600 034. Respondents/Petitioner
and R4

Writ Appeal filed under clause 15 of Letters Patent
praying to set aside the order dated 09.07.2014 made in
W.P.No.17164 of 2010 on the file of this Court.

Prayer in WP.No.17164/2010:

*Writ petition filed U/A 226 of the constitution of India
to issue a writ of Mandamus directing the respondents 1 to 4,
particularly the respondents 1 and 4 to consider the
petitioners promotion on the basis of G.O. (Ms) 540, Home
Department (Police IX) dt 26.5.2000 and on the basis of the
petitioners representation dt 19.2.2010 sent to the 1st
respondent*

For Petitioner : Mrs.A.Srijayanthi (Spl. Govt.Pleader)

For Respondents :Mr.R.Thanjan for R1

JUDGMENT

[Judgment of the Court was made by RAJIV SHAKDHER, J.]

1. This appeal is preferred against the learned Single Judge's order dated 09.07.2014, passed in W.P.No.17164 of 2010. The operative portion of the order shows that the said order is based on the consent accorded by the appellants, to the effect, that the said Government Order, which is, dated 26.05.2000, would be applicable to respondent No.1, i.e, the original writ petitioner.

2. It is the submission of the appellants' counsel before us that respondent No.1 was promoted as an Inspector on 18.07.2000 and that the aforementioned Government Order was applicable only to Sub Inspectors and Havildars.

2.1. It is the submission of the learned counsel for the appellants that, since, respondent No.1 stood already promoted, the said Government Order was not applicable to him. There are other contentions raised before us, including the fact that the Government had clarified that the aforementioned Government Order will be applicable from the date of the order issued qua individual employees and not from the date of issuance of the Government Order.

3. According to us, the present appeal is not maintainable, in view of the fact that the impugned order proceeded on the basis of the consent given by the counsel for the appellants.

4. The appellants, in our view, would have to move for a review of the order of the learned Single Judge.

5. Accordingly, the Writ Appeal is disposed of with the liberty to the appellants to prefer a review qua the order dated 09.07.2014. It is made clear that the appellants will be entitled to raise all contentions, which may, otherwise be permissible in law. Consequently, the connected miscellaneous petition is closed. There shall, however, be no order as to costs.

Sd/
Assistant Registrar

/True copy/

Sub Assistant Registrar

To

1 The Chairman,
Tamil Nadu Public Service Commission,
Chennai - 600 034.

2 The secretary,
Home Department,
Government of Tamilnadu,
Fort St.George Chennai-9.

3 The Director General of Police,
Santhome, Chennai-4.

4. The Inspector General of Police
(Armed Police) Kilpauk.

+1cc to Mr.R.Thanjan, Advocate SR.No.72457

+1cc to Government Pleader SR.No.72666

SDR 30.12.2016

W.A.No.1564 of 2016
and C.M.P.No.19464 of 2016



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