

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 11.3.2016

CORAM

THE HONOURABLE MR.JUSTICE V.RAMASUBRAMANIAN
AND
THE HONOURABLE MR.JUSTICE N.KIRUBAKARAN

W.P.Nos.1693 and 1694 of 2012

K.Atham
N.Durai

Petitioner in WP 1693/2012

Petitioner in WP 1694/2012

Versus

1. The Secretary to Government,
Home (Police IV) Department,
Fort St. George, Chennai-9.
2. The Director General of Police,
Mylapore, Chennai-4.
3. The Deputy Inspector General of Police,
Kanchipuram Range, Kanchipuram.
4. Tr.Sivakumar,
Inspector of Police,
Acharapakkam,
Madurandagam Sub Division,
Kanchipuram Range,
Kanchipuram.

Respondents in both cases

Prayer: Writ petitions filed under Article 226 of the Constitution of India seeking writ of mandamus calling for the records of the 2nd respondent in connection with the impugned order passed by him in RC No.171888/ NGBIV(1)/ 2011 dated 14.11.2011 and quash the same in so far as the petitioner is concerned and further direct the respondents to promote the petitioner notionally as Inspector of Police at par with his junior Sivakumar the 4th respondent herein and grant him all consequential service and monetary benefits.

For petitioners: Mr.A.Sirajudeen

For R1 to R3 : R.Ravichandran, Additional Government

COMMON ORDER

(Order of the court was made by V.RAMASUBRAMANIAN, J.)

Petitioners in these writ petitions were originally appointed as Police Constables Grade II in the Armed Reserve, in the year 1973, they were transferred to the local police in the year 1976, promoted as Grade I Police Constable in 1983, Head Constable in the year 1994 and as Sub Inspector of Police in 2001. They also retired in the year 2009.

2. It appears that the fourth respondent in these writ petitions, who was appointed only in the year 1975 as Police Constable Grade I gained promotion to the post of Head Constable and Sub Inspector of Police in the years 1984 and 1995, far ahead of the petitioners, by securing an order from the Tamil Nadu Administrative Tribunal. Therefore, claiming that their junior has scored march over them, the petitioners have come up with the above writ petitions challenging an order passed by the Director General of Police rejecting their claim of promotion on par with the fourth respondent.

3. Heard Mr.A.Sirajudeen, learned counsel for the petitioners and Mr.R.Ravichandran, learned Additional Government Pleader for respondents 1 to 3.

4. Normally, these two writ petitions should have gone only before a learned Single Judge. They had, in fact, gone only before a learned Single Judge. But, it appears that a question was raised before the learned Single Judge about the interplay of the Special Rules for Tamil Nadu Armed Police, Special Rules for Tamil Nadu Special Police Battalion and the Special Rules for Tamil Nadu Police Subordinate Services and there is a decision of the Division Bench of this court holding that the appointment to the post of the Police Constable Grade I was to a common category among these three services and that therefore, there should be an common seniority. As a result of the aforesaid contention, the learned Judge thought fit to refer the matter to a Division Bench, by his order dated 19.3.2015. This is how these two writ petitions are before us.

5. But, unfortunately for the petitioners, the issue is not merely one relating to the inter se seniority between the persons appointed to three different services. The issue is also one of delay and laches. Even according to the petitioners, the fourth respondent scored a march over them way back in 1984 when he gained promotion to the post of Head Constable and in 1995, when he gained promotion to the post of Sub Inspector of Police. The petitioners retired in 2009, submitted their representations thereafter, came to this court

seeking disposal of those representations and thereafter suffered the orders impugned in the writ petitions viz., on 14.11.2011. Therefore, the principle that things settled long back cannot be allowed to be unsettled would certainly apply. Hence, the writ petitions are dismissed. There will be no order as to costs.

Sd/-
Assistant Registrar(CS II)

//True Copy//

Sub Assistant Registrar

ssk.

To:

1. The Secretary to Government,
Home (Police IV) Department,
Fort St. George, Chennai-9.
2. The Director General of Police,
Mylapore, Chennai-4.
3. The Deputy Inspector General of Police,
Kanchipuram Range, Kanchipuram.

+2ccs to Mr.A. Sirajudeen, Advocate, S.R.No.15807
+1cc to the Government Pleader, S.R.No.15819

KJI(CO)
EU(07/04/2016)

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सत्यमेव जयते

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