

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.09.2016

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THE HONOURABLE MR.JUSTICE R.SUBBIAH

W.P.Nos.31551 to 31557 of 2016

V.Paramasivam (HC 1107) ... Petitioner in W.P.No.31551/2016

Vs.

- 1 The Government of Tamilnadu
Rep by its Secretary to Home Department
Fort St.George,
Chennai – 600 009.
- 2 The Director General of Police
Kamarajar Salai,
Mylapore,
Chennai – 600 004.
- 3 The Commissioner of Police,
Coimbatore City. ... Respondents in W.P.No.31551/2016

Prayer in W.P.No.31551 of 2016:

Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus directing the 2nd and 3rd respondents to include the petitioners name in the select list for the year 1992-93 along with his batch mates recruited in the year 1992-93 with due seniority and award all consequential service benefits on the basis of the petitioner's representation dated 25.07.2016.

For Petitioners : Mr.A.Rajaram
For Respondents : Mr.R.Rajeswaran
Special Government Pleader

COMMON ORDER

By consent, the writ petitions are taken up for final disposal. Since the issue involved in all these petitions are related to each other, they are disposed of by a common order.

2.The writ petitions have been filed seeking Mandamus directing the respondents 2 and 3 to include the name of the petitioners in the select list for the year 1992-93 along with their batch mates recruited in the year 1992-93 with due seniority and award all consequential service benefits on the basis of their representations dated 25.07.2016, 04.08.2016, 04.08.2016, 26.07.2016, 26.07.2016, 09.08.2016 and 12.08.2016 respectively.

3.The petitioners who are serving as Head Constable of Police appeared for the enlistment of Police Constable conducted by the Tamil Nadu Uniformed Service Recruitment Board in the year 1992-93 and passed the relevant tests, such as written test, physical efficiency test and oral test and also completed the medical examination and police verification and they were selected by the T.N.U.S.R.B., but were left

behind without giving appointment orders. The petitioners would state that they should have been considered for appointment in the year 1995, but they were included and appointed as Police Constables on 15.05.2000.

4.The petitioners would further state that three persons from Cuddalore District namely, S.Balakrishnan, V.Parivallal, V.Kumar whose actual date of enlistment is on 01.03.2002 (1992-93 Selection Batch) were revised and dated into 01.11.1995 and they were also given notional benefits of service from their date of upgradation as Gr.I PC and HC without monetary benefits in accordance with Chief Office memo RC.No.231181 Rect 1(2008) dated 16.03.2015 in reference to the order of this Court in W.P.Nos.41271, 41272 and 41273 of 2006, dated 25.02.2011. Hence, they made representation to the respondents 2 and 3 requesting similar relief. But the same have not been considered so far. Hence, these petitions.

5.Heard the submissions of the learned counsel appearing for the petitioners and the learned Special Government Pleader who takes notice for the respondents.

6.It is relevant to extract paragraph no.10 of the order dated 25.02.2011 made in W.P.Nos.41271, 41272 and 41273 of 2006 hereunder:

"10.Accordingly, the writ petitions stand allowed setting aside the impugned orders passed by the respondent with direction to the respondent to include the names of the petitioner in the select list for the year 1992-93 for the purpose of seniority making it clear that they are only entitled for pay and other allowances from the date of their actual appointment and they are not entitled for any arrears of salary from the year 1992-93 till the date of their actual appointment and in respect of all other admissible service benefits, the period from 1992-93 till the date of actual appointment shall also be taken note of. No costs."

7.Considering the submissions made on either side, this Court directs the respondents to consider the representation of the petitioners dated 25.07.2016, 04.08.2016, 04.08.2016, 26.07.2016, 26.07.2016, 09.08.2016 and 12.08.2016 respectively, in the light of the order of this Court dated 25.02.2011, made in W.P.Nos.41271, 41272 and 41273 of 2006 and pass appropriate orders, on merits and

in accordance with law, within a period of six weeks from the date of receipt of a copy of this order.

8.It is made clear that this Court has not expressed any opinion with regard to the merits of the claim made by the petitioners and it is for the respondents to decide the matter, purely on merits.

9.These writ petitions are disposed of accordingly. No costs.

09.09.2016

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Index: Yes / No
Internet: Yes / No

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R.SUBBIAH,J.

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