

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 20.09.2016

CORAM

THE HONOURABLE MR. JUSTICE R.SUBBIAH

Writ Petition No.32797 of 2016

A.Thooyamani Vellaisamy ... Petitioner

vs.

1.The Secretary to Government,
Home (Police-3) Department,
Fort St. George,
Chennai-9.

2.The Director General of Police,
Law and Order,
Mylapore, Chennai-4.

... Respondents

Writ petition has been filed under Article 226 of the Constitution of India, praying for a Writ of mandamus, directing the first respondent to consider and dispose of the representation of the petitioner dated 6.8.2016 in the light of Government Orders in G.O.(Ms) No.93 Home (Police-3) Department dated 6.2.2015 and G.O.(Ms) No.684 Home (Police-3) Department dated 3.10.2015 within a reasonable time.

For Petitioner : Mr.S.Sivakumar

For Respondents : Mr.M.S.Ramesh,
Addl. Govt. Pleader

ORDER

By consent, the main writ petition itself is taken up for final disposal.

2. The petitioner has come up with the present writ petition for a mandamus, directing the first respondent to consider and dispose of his representation dated 6.8.2016 in the

light of the Government Orders in G.O.(Ms) No.93 Home (Police-3) Department dated 6.2.2015 and G.O.(Ms) No.684 Home (Police-3) Department dated 3.10.2015 within a reasonable time.

3. The petitioner was appointed as Sub-Inspector of Police during the recruitment year 1997-98. He secured 77.9375 marks in the aforesaid recruitment and he was sent for training in the second batch on 22.5.2000 despite the fact that he has secured higher marks. The selection of the Sub Inspector of Police for the year 1997-98 was made on range/zone wise basis and 50% of top most rank holders in each zone were sent for training in the first batch on 16.5.1999 and remaining 50% were sent for training in the second batch on 22.5.2000 due to want of accommodation in the police training college. While so, the petitioner came to know that the candidates belonging to Backward Caste Category of Chengalpattu Range, who have secured lower marks than the petitioner, have been inducted for training in the first batch on 16.5.1999 and seniority was fixed within their batch mates by taking 75% of PTC marks and 25% TNUSRB marks as stipulated in the rule, whereas the seniority of the second batch was fixed within the batch mates only based on the PTC marks by hiding TNUSRB marks, in violation of the statutory provisions. The said anomaly is only an administrative mistake. Hence, the petitioner made a detailed representation dated 6.8.2016 to the respondents praying to re-fix his seniority on par with the first batch based on G.O.(Ms) No.93 Home (Police-3) Department dated 6.2.2015 and G.O.(Ms) No.684 Home (Police-3) Department dated 3.10.2015. Since the same has not been considered so far, the petitioner has come up with the present writ petition for the relief set out earlier.

4. Today, when the matter was taken up for consideration, learned counsel appearing for the petitioner submitted that the Government, pursuant to the direction issued by this Court, issued an order in G.O.(Ms)No.93 Home (Police-3) Department, dated 06.02.2015, re-fixing the seniority. The petitioner is similarly situated person. Though the petitioner submitted his representation requesting the first respondent to re-fix the seniority in the light of the Government Order in G.O.(Ms)No.93 dated 06.02.2015, he has not considered the same.

5. I have also heard the learned Additional Government Pleader, who has taken notice on behalf of the respondents.

6. Considering the facts and circumstances of the case and considering the submissions made on either side, without going into the merits of the claim projected by the petitioner, this Court directs the first respondent to consider the representation of the petitioner dated 6.8.2016 and pass appropriate orders, on merits and in accordance with law and also in the light of the Government Orders in G.O.(Ms) No.93

Home (Police-3) Department dated 6.2.2015 and G.O.(Ms) No.684 Home (Police-3) Department dated 3.10.2015, by affording an opportunity of personal hearing to the petitioner as well as to one P.Thirumalairajan, A.Natesan, P.Karuppaiah and P.Venkatachalam, who are likely to be affected, within a period of two months from the date of receipt of a copy of this order. The writ petition is disposed of accordingly. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

To

1.The Secretary to Government,
Home (Police-3) Department,
Fort St. George,
Chennai-9.

2.The Director General of Police,
Law and Order,
Mylapore, Chennai-4.

+1cc to Mr.S.Sivakumar, Advocate Sr.53457

W.P.No.32797 of 2016

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srg 19/10/2016

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